



**POLLUTION PREVENTION PLANNING PROVISIONS OF PART 4 OF
THE *CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999***



Frequently Asked Questions

F.A.Q.

Revised October 2003



POLLUTION PREVENTION PLANNING PROVISIONS OF CEPA 1999

Unless otherwise specified in a Section 56 *Canada Gazette* Notice, all formal submissions and correspondence concerning a requirement to prepare and implement a pollution prevention plan under CEPA 1999 Part 4 should be addressed to:

National Office of Pollution Prevention
c/o CEPA 1999 Part 4 (P2 plans)
Environment Canada
13th Floor, 351 St. Joseph Blvd.
Gatineau, Quebec K1A 0H3
Tel: (819) 994-0186
Fax: (819) 953-7970
E-mail: CEPAP2Plans@ec.gc.ca

Copies of the following documents are available on the CEPA Environmental Registry at www.ec.gc.ca/CEPARRegistry/plans/p2:

- *Guidelines for the Implementation of the Pollution Prevention Planning Provisions of Part 4 of the Canadian Environmental Protection Act, 1999* (CEPA 1999);
- *Pollution Prevention Planning Handbook*; and
- this document, *Frequently Asked Questions*.

The CEPA Environmental Registry site also provides links to:

- a list of *Canada Gazette* Notices published to date, including those requiring the preparation and implementation of P2 plans,
- a database of all declarations, interim progress reports, and other forms submitted to Environment Canada in compliance with P2 planning *Gazette* notices,
- electronic versions of blank forms such as: Declaration that a Pollution Prevention Plans Has Been Prepared and is Being Implemented, Request for Waiver of the Requirement to Consider a Factor or Factors, Request for Time Extension, Interim Progress

Report, and Declaration that a Pollution Prevention Plan Has Been Implemented specific to each *Gazette* Notice.

To obtain paper copies of any forms related to a P2 planning *Gazette* Notice, contact the National Office of Pollution Prevention using the contact information listed above.

To obtain paper copies of this document and the *Guidelines for the Implementation of the Pollution Prevention Planning Provisions of Part 4 of the Canadian Environmental Protection Act, 1999* (CEPA 1999), contact Environment Canada's Inquiry Centre:

Inquiry Centre
Environment Canada
Ottawa, Ontario K1A 0H3
Tel: 1-800-668-6767
Fax: (819) 953-2225
E-mail: enviroinfo@ec.gc.ca

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Pollution Prevention Planning
Provisions of Part 4 of the
*Canadian Environmental
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Every attempt has been made to ensure that the information in this document is accurate. However, the guidance contained here should be relied upon for general information purposes only. This document is not intended to provide legal advice; nor is it intended to replace expert legal or environmental advice. For official legislative provisions, consult the *Canadian Environmental Protection Act, 1999*, particularly Part 4.

Introduction

This document is designed to help organizations understand their obligations when required under Section 56 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) to prepare and implement a pollution prevention (P2) plan. It describes, in a question and answer format, how the provisions under Part 4 of CEPA 1999 are

administered and what affected parties must do. Other documents that may be of interest to you include *Guidelines for the Implementation of the Pollution Prevention Planning Provisions of Part 4 of the Canadian Environmental Protection Act, 1999* (CEPA 1999) and the *Pollution Prevention Planning Handbook*. Please refer to the inside front cover of this document for information on how to obtain a copy of these documents.

Questions Answered in This Document

1. What is a pollution prevention (P2) plan?
2. How will I know if I have to prepare and implement a P2 plan?
3. How much time will I have to prepare and implement the P2 plan?
4. What if I need more time?
5. May I use a P2 plan prepared for another purpose?
6. May I use the same P2 plan to address more than one substance?
7. What information must the P2 plan contain?
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9. When will I have to submit the P2 plan itself?
10. Under what circumstances will the Minister require submission of a P2 plan?
11. May I apply for a waiver of one or more of the “factors to consider” in the Section 56 *Canada Gazette* Notice?
12. Who must sign submitted declarations, interim progress reports, and waiver and extension forms?
13. What information will the public and other interested parties have access to?
14. How do I deal with confidential business information?
15. Where do I have to keep the P2 plan?
16. Will Environment Canada Enforcement Officers look at the P2 plan?
17. What are the penalties for non-compliance?
18. Where can I get advice on preparing P2 plans?

CEPA defines pollution prevention as “the use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and waste and reduce the overall risk to the environment or human health.”

Frequently Asked Questions

1 What is a pollution prevention (P2) plan?

A P2 plan documents information that you need to make decisions on the most efficient ways to prevent or minimize the creation or release of pollutants and waste. It will help you to identify and select cost-effective options and will show where you can get a return on your investment. A P2 plan will allow you to evaluate options and implement the best ways to meet and exceed regulatory requirements.

Environment Canada has prepared a model P2 plan to help get you started. It shows how to compile, analyze and present relevant information. This model plan can be used to evaluate options for any substance, including water and energy. Refer to the inside front cover of this document for information on how to obtain a copy of the *Pollution Prevention Planning Handbook*, which contains this model P2 plan.

2 How will I know if I have to prepare and implement a P2 plan?

Officially, Environment Canada must inform people about prevention or control actions (regulations, P2 planning, standards, etc.) being proposed or taken with respect to CEPA-toxic substances¹ by publishing them in the *Canada Gazette*.

In fact, most people find out whether they might be required to reduce their production, use or release of a toxic substance during the time that Environment Canada and Health Canada

are determining whether a substance is CEPA-toxic. They find out through information-gathering surveys, discussions with industry associations or articles in trade newsletters, etc.

If Environment Canada decides that pollution prevention planning will be required of people who produce, use or release a CEPA-toxic substance, the Department will invite these people or their industry associations to comment on a proposed Section 56 requirement. This proposed requirement will be published in the *Canada Gazette* and will include a 60-day comment period. People may also be asked to participate in discussions on who should prepare plans and what the timelines for preparing and implementing plans should be.

Finally, a Section 56 *Canada Gazette* Notice will be issued that will state who must prepare and implement pollution prevention plans for specified substances. Individual facilities or industry sectors could be named or other characteristics could be used to identify people.

Environment Canada will put all Section 56 *Canada Gazette* notices on the CEPA Environmental Registry² and may mail copies of these notices to people who must prepare plans or to their industry associations. Note, however, that if you are identified in one of these *Canada Gazette* notices, you are responsible for complying with it, whether or not you receive a copy in the mail.

¹ A substance on CEPA's List of Toxic Substances is often referred to as a CEPA-toxic substance.

² The CEPA Environmental Registry (www.ec.gc.ca/CEPARRegistry) is a comprehensive on-line source of public information relating to activities under the *Canadian Environmental Protection Act*. In addition to providing up-to-date copies of current CEPA instruments, the Registry also enables the public to monitor proposed regulations and orders from their initial publication in Part I of the *Canada Gazette* through public consultations and their final publication in Part II of the *Canada Gazette*.

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3 How much time will I have to prepare and implement the P2 plan?

The Section 56 *Canada Gazette* Notice will specify the time period within which the P2 plan is to be prepared. In most cases, the preparation period will be six to twelve months.

The Notice will also specify the time period within which the P2 plan is to be implemented. The length of time provided to implement the P2 plan will vary on a substance-by-substance basis.

4 What if I need more time?

You may apply for an extension period to prepare or implement your P2 plan. To do so, you must complete and submit to the attention of CEPA 1999 Part 4 P2 Plans at the National Office of Pollution Prevention a *Request for Time Extension (Section 56(3) of CEPA, 1999)*. Each request must be submitted before the end of the time period within which the P2 plan is to be prepared or implemented as specified in the Section 56 *Canada Gazette* Notice. To obtain copies of these forms, refer to the inside front cover of this document.

Decisions concerning the number and length of extension periods will be made on a case-by-case basis. All requests for a time extension to prepare or implement a P2 plan will be posted on the CEPA Environmental Registry along with Environment Canada's response.

5 May I use a P2 plan prepared for another purpose?

Yes. If you do so, it is your responsibility to ensure that your P2 plan addresses all of the requirements in the Section 56 *Canada Gazette* Notice and that you submit both declarations as well as Interim Progress Reports (if any) (please see question 8) within the timelines specified in the Notice.

6 May I use the same P2 plan to address more than one substance?

Yes. Ideally, a facility will have one pollution prevention plan that addresses all potential pollutants and wastes.

7 What information must the P2 plan contain?

You may prepare your P2 plan in whatever form makes the most sense for your organization, as long as the plan:

- clearly identifies the reference code of the relevant Section 56 *Canada Gazette* Notice as well as the substance(s) and facility the plan covers; and
- responds to all requirements in the Section 56 *Canada Gazette* Notice and includes information required to complete the Declaration That a Pollution Prevention Plan Has Been Prepared and is Being Implemented, the Declaration That a Pollution Prevention Plan Has Been Implemented and Interim Progress Reports (if any) (please see question 8).

Typically, the Section 56 Notice will specify "factors to consider." Generally, these will include, among other things, risk management and/or environmental objectives. Unless otherwise stipulated,

you must prepare a P2 plan and report on how your plan has accounted for these factors. Where Environment Canada intends to make the achievement of specific performance standards³ for P2 plans mandatory, it will do so through a regulation.

8 What information must I submit?

You must submit two declarations:

- ***Declaration That a Pollution Prevention Plan Has Been Prepared and is Being Implemented:*** within 30 days after the end of the time period provided to prepare the P2 plan, a Declaration indicating that the plan has been prepared and is being implemented must be filed; and
- ***Declaration That a Pollution Prevention Plan Has Been Implemented:*** within 30 days after the end of the time period provided to implement the P2 plan, a Declaration indicating that the implementation of the plan has been completed must be filed.

Amended Declarations must be submitted within 30 days after the time that information previously submitted has become false or misleading. This can apply to a variety of circumstances, for example, changes in address or changes in ownership or contact names. To obtain copies of these forms, please refer to the inside front cover of this document.

Summary of Key Requirements

Once the Minister identifies your facility in a Section 56 *Canada Gazette* Notice, you must:

- Prepare a P2 plan within the specified time.
- Ensure that your P2 plan contains the required information and considers the “factors” identified in the Section 56 *Canada Gazette* Notice.
- Submit a ***Declaration of Preparation*** within the specified time.
- Implement the P2 plan and submit a ***Declaration of Implementation*** within the specified time.
- Submit ***Interim progress reports*** and ***amended declarations***, as required.
- Keep a copy of the P2 plan at the site for which it was prepared.
- If requested, submit part or all of the plan.

In some cases, Environment Canada will also require one or more ***Interim Progress Report(s)***.

The forms for the declarations and interim progress reports will be prescribed by the Section 56 *Canada Gazette* Notice. Unless otherwise indicated, completed forms, including electronic copies on diskette where possible, can be submitted to the attention of CEPA 1999 Part 4 P2 Plans, National Office of Pollution Prevention at the address or fax number listed on the inside front cover of this document.

³ “Performance standard” refers to the specific outcome that is intended to result from the actions of the affected party or parties. A performance standard will not prescribe how the outcome is to be achieved. It may be expressed in various ways, including, for example: percentage or absolute reduction of use or release levels; absolute use or release levels; use or release levels as a percentage of overall production levels, etc.

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9 When will I have to submit the P2 plan itself?

You will not have to submit your plan, unless required to do so by the Minister under Section 60(1) of CEPA 1999.

10 Under what circumstances will the Minister require submission of a P2 plan?

The Minister may require the submission of part or all of a P2 plan for the purposes of determining and assessing preventive or control actions. Instances where the Minister may invoke his or her authorities under Section 60(1) of CEPA 1999 include cases where an analysis of a Declaration that a Pollution Prevention Plan Has Been Prepared and is Being Implemented or of an Interim Progress Report indicates that the federal government's stated risk management or environmental objective will not be achieved and further risk management measures may be necessary.

11 May I apply for a waiver of one or more of the "factors to consider" in the Section 56 Canada Gazette Notice?

Yes. You must complete and submit to the attention of CEPA 1999 Part 4 P2 Plans of the National Office of Pollution Prevention a *Request for Waiver of the Requirement to Consider a Factor or Factors* – (Subsection 56(5) of CEPA 1999). To obtain copies of these forms, please refer to the inside front cover of this document.

12 Who must sign submitted declarations, interim progress reports, and waiver and time extension forms?

All forms submitted to Environment Canada must be signed and dated by the person subject to the Notice or a duly authorized representative. For example, this person might be the Chief Executive Officer, environmental coordinator or plant manager.

13 What information will the public and other interested parties have access to?

Environment Canada will post on the CEPA Environmental Registry all Section 56 *Canada Gazette* notices, all submitted declarations and interim progress reports, and all requests for time extensions and for waivers to consider, a factor or factors together with the Minister's responses.

Environment Canada will not post pollution prevention plans submitted under Section 60 of CEPA 1999. However, all information submitted under Section 60 will be subject to requests under the *Access to Information Act*.

CEPA 1999 does not require you to make your pollution prevention plan available to the public and your local community. However, you are encouraged to do so.

14 How do I deal with confidential business information?

You should be able to provide the information requested in the declarations and interim progress reports without divulging confidential information. However, anyone submitting information to Environment Canada is entitled to submit a request under Section 313 of CEPA 1999 that specific information be treated as confidential.

Your request for confidentiality must clearly identify the specific information for which a request is being made.

All requests will be reviewed under the provisions of Sections 315 to 321 of CEPA 1999 and Section 20 of the *Access to Information Act*.

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15 Where do I have to keep the P2 plan?

You must keep a copy of the P2 plan at the facility for which the plan has been prepared.

16 Will Environment Canada Enforcement Officers look at the P2 plan?

Enforcement Officers or Analysts may request access to the P2 plan to confirm that it has been prepared and is being implemented in accordance with the Declaration of Preparation, the Declaration of Implementation and Interim Reports (if any) that have been filed.

17 What are the penalties for non-compliance?

Non-compliance with any of the requirements in the Section 56 *Canada Gazette* Notice constitutes a criminal offense and may be punishable under CEPA 1999 by fines of up to \$1,000,000 or imprisonment for up to three years.

18 Where can I get advice on preparing P2 plans?

Environment Canada has prepared a *Pollution Prevention Planning Handbook*. This document provides an overview of the P2 planning process, a model plan template and detailed information on practices and certain analytical techniques that may be helpful in preparing and implementing a P2 plan. To obtain copies of the Handbook, refer to the inside front cover of this document.

Another source of pollution prevention information is the Canadian Pollution Prevention Information Clearinghouse (CPPIC). CPPIC is an on-line database (www.ec.gc.ca/cppic) containing hundreds of references, including P2 success stories.

POLLUTION PREVENTION PLANNING PROVISIONS OF CEPA 1999

For more information on pollution prevention and pollution prevention planning:

Visit the Canadian Pollution Prevention Information Clearinghouse (www.ec.gc.ca/cppic).

Contact your Regional Environment Canada Office:

**For residents of Newfoundland and Labrador,
Prince Edward Island, Nova Scotia and New Brunswick**
Environmental Protection Branch – Atlantic Region
Environment Canada
16th Floor, Queen Square, 45 Alderney Drive
Dartmouth, NS B2Y 2N6
Tel: (902) 426-9590
Fax: (902) 426-8373

For residents of Quebec
Environmental Protection Branch – Quebec Region
Environment Canada
4th Floor, 105 McGill Street
Montréal, QC H2Y 2E7
Tel: (514) 283-4670
Fax: (514) 283-4423

For residents of Ontario
Environmental Protection Branch – Ontario Region
Environment Canada
4905 Dufferin Street
Downsview, ON M3H 5T4
Tel: (416) 739-5859
Fax: (416) 739-4342

**For residents of Manitoba, Saskatchewan, Alberta,
the Northwest Territories and Nunavut**
Environmental Protection Branch – Prairie and Northern Region
Environment Canada
4999 – 98th Avenue
Edmonton, AB T6B 2X3
Tel: (780) 951-8890
Fax: (780) 495-2758

For residents of British Columbia and Yukon
Environmental Protection Branch – Pacific and Yukon Region
Environment Canada
224 West Esplanade
North Vancouver, BC V7M 3H7
Tel: (604) 666-2799
Fax: (604) 666-9107

