

At this month's Lunch and Learn Series, ESANS was pleased to host Gerard Chisholm, Environment Canada's (EC) Environmental Emergencies (E2) Liaison Officer for the Atlantic Region and Senior Compliance Promotion Officer. Mr. Chisholm helps Canadian industry to operate within the E2 Regulations by helping regulated Canadian companies create suitable E2 plans. The topic was the new amendments to the E2 Regulations, which quantify the factors that trigger the E2 Regulations, add additional regulated substances to the list of substances and strive to clarify the E2 Regulations for industry.

The E2 Regulations specify a threshold quantity and minimum concentration for each of the regulated substances. The Regulations also specify a 'largest container capacity', which is the maximum capacity of the container used to store the regulated substance. When one of these parameters is exceeded, the Minister of the Environment must be notified within 90 days using a Notice of Identification of Substance and Place and a Signed Certification. If both the largest container capacity and the threshold quantity/minimum concentration are exceeded, Environment Canada requires the regulatee to submit a Notice of Plan Preparation within 6 months. When a regulatee is closing or decommissioning a facility that has previously surpassed the threshold quantity or largest container capacity, he or she must submit a Notice of Closure or Decommissioning and a Signed Certification to inform Environment Canada.

If a regulatee is required to submit a Notice of Plan Preparation, they must implement and test their Environmental Emergency (E2) Plan within one year, and continue to test it annually. However, as some E2 Plans require substantial action on the part of the regulatee, the E2 Plan testing can be broken into 5 or less distinct components. These parts of the overall E2 Plan may be tested individually, however the eE2 Plan must be tested in its entirety at least once every 5 years.

In the past, the E2 Regulations have divided the List of Substances into three parts: substances likely to explode, substances hazardous when inhaled, and other hazardous substances. As some substances fall under more than one category, Environment Canada has proposed to replace these three List of Substances with a single List, ordered by CAS #. This organization structure allows regulatees to more easily find regulated substances, as they already have the CAS # of the substances that they use, but may be uncertain as to the hazard(s) and therefore which of the three Lists that the substance is currently contained in. This also allows regulatees to see all hazards associated with their regulated substance, rather than just the hazard that it was categorized for in the unamended E2 Regulations.

This proposed List of Substances will now also have the hazard(s) of each substance outlined in a separate column as well as an additional 49 previously unregulated substances that have been deemed hazardous. These 49 substances consist of 36

substances from the Chemicals Management Plan, 12 strong acids and bases, and an additional ammonia-based compound: ammonium hydroxide.

The proposed amendments to the E2 Regulations aim to clarify some of the terms used throughout the Regulations. As one of the triggers for the E2 Regulations is the largest container size, the clarification of what is considered a container is very important. Environment Canada now defines a container to include all commonly interconnected containers and other connected items that do not feature an automatic and remote-engaged shut-off valve between one another. The maximum volumes of any containers and connected items that do not feature these valves will be summed to determine the largest container size volume. Containers used for storing regulated substances should also be compatible and appropriate for the regulated substance or substances that it contains.

The proposed amendments to the E2 Regulations also clarify that the E2 Plan must indicate measures taken to protect the public in case of an environmental emergency. The current E2 Regulations only call for the regulatee to notify the public in case of an emergency, however the public may not know the best way to respond to this information. As such, the amendments put the onus on the regulatee to direct the public to the best course of action in the event of an environmental emergency.

Taking into account stakeholder input, the proposed amendments to the E2 Regulations will be drafted during the summer of 2014, with the publication to the Canadian Gazette occurring in November of 2014. This allows for industry stakeholders to learn about the proposed amendments and bring early concerns or questions to Mr. Chisholm and his staff at Environment Canada. Mr. Chisholm is keen to keep an open channel to industry stakeholders, and can be reached at CEPAE2-LCPEUE-ATL@EC.GC.CA and gerard.chisholm@ec.gc.ca.