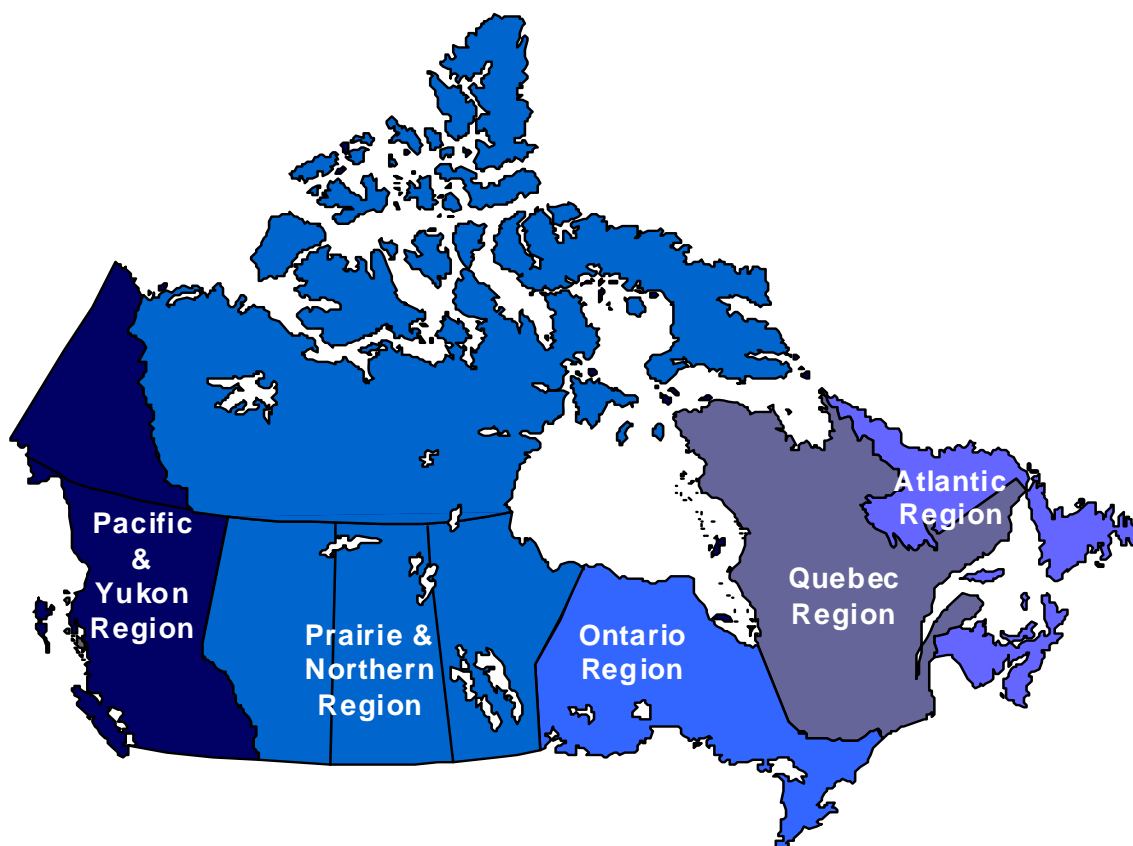




Environmental Enforcement Directorate

Enforcement Branch
Environment Canada

NATIONAL ENFORCEMENT PLAN 2008-2009



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THIS PLAN SUMMARIZES
***ENVIRONMENTAL ENFORCEMENT DIRECTORATE'S
2008-2009 NATIONAL ENFORCEMENT ACTIVITIES***

UNDER THE

***CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999
(CEPA 1999)***

AND

Pollution Prevention Provisions of the

FISHERIES ACT

Ce Plan national d'application de la loi est également disponible en français

Environnement Canada
Direction de l'application de la loi
en environnement
Direction générale de l'application de la loi
200 Boulevard du Sacré-Coeur, 13^e étage
Gatineau, Québec
K1A 0H3

Environment Canada
Environmental Enforcement Directorate
Enforcement Branch
200 Sacré-Coeur Boulevard, 13th Floor
Gatineau, Quebec
K1A 0H3



Acknowledgements

The development of the National Enforcement Plan (NEP) 2008-2009 was led and coordinated by the Environmental Enforcement Directorate - National Capital Region of (EED-NCR), with the engagement of the Regional EED offices, and in consultation with responsible regulatory programs.

Given the comprehensive scope of the departmental legislative and regulatory agenda, the EED consulted with a broad range of internal and external stakeholders within the department. Through this process, the EED sought and received a total of 35 recommendations from both regional and national offices.

Based upon this extensive consultative process, and after validation of the recommended priorities at EP Board and approval by the Deputy Minister, the EED adopts the following NEP which set forth the departmental environmental enforcement priorities for fiscal year 2008-09 and will form the cornerstone of the environmental enforcement efforts.

The National Director of EED would like to thank everyone involved for their detailed and timely contributions to this planning exercise.

Renzo A. Benocci
National Director
Environmental Enforcement Directorate
Enforcement Branch



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EXECUTIVE SUMMARY

National

The Environmental Enforcement Directorate (EED) is pleased to present its National Enforcement Plan (NEP) for fiscal year 2008-09. The NEP is the result of the synthesis, analysis and consolidation of the views of the department on the regulations and legislative instruments on which EED should focus in fiscal year 2008-09. This process will ensure that the EED plans and manages resources so that time and money are dedicated to priorities established in consultation with all EC internal stakeholders. This process will also ensure that the effects of any redirection of resources to cover emerging issues is clearly understood and accounted for.

The NEP outlines EED's core program activities, mainly inspections, investigations and intelligence, and their associated commitments and provides a brief synopsis of each of the national priorities.

There have been a number of new initiatives and recent factors that have impacted the number of priorities and level of commitments that EED has identified for fiscal year 2008-09:

- The Government of Canada provided, as part of its Budget 2007, \$22 million over two years to hire and train 106 new EC Enforcement Officers (EOs). Of these, 68 will be responsible for environmental protection and thus will add to EED's existing capacity. EC is currently hiring and training these new officers, who will be operational late in the fiscal year 2008-09. The Program will build on the capabilities of experienced existing staff to provide coaching and mentoring to new officers in order to facilitate their integration and development in the Program.
- Until now, the planning approach of EED solely focused on inspections. This fiscal year, the plan has been expanded to include activities and projects of the investigation and intelligence functions of the program, hence the change in appellation of the plan from NIP (National Inspection Plan) to a NEP.
- In FY 2008-2009, the EED has initiated the implementation of a new enforcement approach, notably a shift from the traditional "compliance verification" model to what is being described as the "non-compliance detection" model. This new model emphasizes a more strategic approach focused on the detection of non-compliance and takes full advantage of the intelligence-led alignment of the organization. This new approach will promote greater cooperation and balance between intelligence, inspection and investigation staff and may call for the participation and/or input from other agencies domestically and abroad. Transition into this new approach has been communicated to staff and key stakeholders but will require close monitoring and continuous reinforcement on the part of management to ensure that all three streams of enforcement are well integrated and synchronized within each region



and at the national level, and that information/intelligence from partners is sought on issues that cross jurisdictions.

- The operational planning process now covers three fiscal years and identifies, as pilot projects, two regulations on which the Compliance Promotion and Permitting Division (CPPD) and EED will coordinate/synchronize their activities.

In order to integrate the new recruits and achieve a smooth transition from compliance verification to non-compliance detection involving all three streams of enforcement, the EED program has reduced its number of national priorities and number of commitments for fiscal year 2008-09. Thus, EED has identified four national priorities for fiscal year 2008-09, and the total number of planned inspections for fiscal year 2008-09 is slightly reduced (from roughly 8,000 annually in the past five years to 7,172).

The NEP 2008-09 will be a valuable tool for the Enforcement Branch and the Department to measure and report on progress in reaching its objectives/goals in enforcing the regulations for which it has responsibility. In order to better position the Department to respond in an informed manner to any questions respecting the use of the resources allocated to enforcement activities, the rationale for the differences between planned activities and the activities actually carried out during 2008-09 will be recorded in the National Enforcement Plan Report for 2008-09.

Inspection

A total of four national priorities have been identified for this fiscal year. By national priorities, we mean activities that will continue to be undertaken in the Regions at the expense of other activities should resources become a significant limiting factor.

For Fiscal Year 2008-2009 the national priorities are:

EED national priorities:

- *Fisheries Act, ss.36(3) (FA s. 36(3))*
- *Solvent Degreasing Regulations (SRD)*

Joint EED and CPPD national priorities:

- *Metal Mining Effluent Regulations (MMER)*
- *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations (EIHWHRMR)*

For Fiscal Year 2009-2010 the following regulations have been recommended as national priorities:

- *PCB Regulations*
- *Chromium Electroplating, Chromium Anodizing and Reverse Etching Regulations (not yet in force)*
- *Federal Halocarbon Regulations, 2003*



For Fiscal Year 2010-2011 the following regulation has been recommended as a national priority:

- *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*

This NEP only outlines the priorities identified for fiscal year 2008-09.

The following section provides a brief overview statement for each of the national priority regulations or legal instruments, as well as some regional context including regional levels of commitments to ensure that the national priority goals will be met. However, it must be acknowledged that unpredictable operational requirements, such as responding to tips/complaints, may result in deviations from the planned allocation of resources.

Investigation

Fiscal Year 2008-09 is the first year that an investigation component is added to the NEP. The national enforcement priorities identified as inspection targets this year may ultimately impact the resource considerations of the investigations program. Therefore, it will be incumbent on the Investigations staff to adequately support, through resourcing or knowledge transfer, the targeting activities associated to this year's priorities. There is also the commitment of the Investigations program to formerly investigate non-compliance that results from these targeted activities and recommend prosecution to the relevant authorities when warranted.

For fiscal year 2008-09, five performance targets have been identified for the Investigation program and will be reported on at the end of this fiscal year. These performance targets are identified as follows:

1. All investigations must proceed in a timely manner.
2. No investigation closures due to limitation period expiration.
3. All enforcement actions are consistent with the CEPA 1999 Compliance and Enforcement Policy and National Strategy.
4. All investigations are documented in NEMISIS in accordance with established national QA/QC protocol.
5. All court briefs will provide evidence to prove all elements of the offence in accordance with quality criteria established by local Public Prosecution Service Canada (PPSC) and will be provided to PPSC in a timely manner.

In order to maintain the highest standards and obtain a high level of compliance with the performance targets identified, the Investigation program will continue to cooperate with the other two streams of EED (inspections and intelligence) by seeking assistance and providing support as required. This will allow the EED program to respond to emerging needs and incidents. This support can take place intra- and inter-regionally.



Intelligence

The Intelligence program will continue to provide EED senior management and enforcement officers with intelligence that will be used at the tactical, operational and/or strategic level. Such intelligence is key in enabling the efficient allocation of enforcement resources to high risk issues and/or sectors. In addition, the Intelligence Division will dedicate resources to special projects and/or regulations where non-compliance and criminal activities are suspected.

Intelligence Projects

Commission for Environmental Co-operation (CEC) Project: Non-compliant Imports Entering North America

Officials from the three Parties of the CEC Enforcement Working Group (EWG), namely Environment Canada, the USEPA and PROFEPA from Mexico, share a common concern regarding the importation of certain commodities and products that can jeopardize the environment, human, animal and plant health, and economic competitiveness in North America.

The Parties have developed an action plan and pilot project to interdict certain non-compliant internal combustion engines, within the selected commodity group, that threaten the quality of our air. This pilot is intended to build on existing, enforceable standards for each country. The plan will enhance cross-border collaboration and add value to the respective enforcement efforts of each country through shared intelligence, coordination, and operational support.

As a result of these efforts, the Parties can also work to bridge potential regulatory gaps to assure the protection of our shared health and environment. A Task Force has been created to deliver on this project. Specific timelines have been set and will provide regular update to the EWG.

The Illegal Handling of Spent Lead Acid Batteries (SLAB's) project:

The illegal import and export of hazardous wastes, in particular Spent Lead Acid Batteries, is a prominent and common concern within North America. The trans-boundary movements and the continuous illegal shipments of these toxic wastes are harmful to the environment and human health due to improper recycling or disposal that can result in releases of toxic chemicals or shipping container explosions.

It is suspected that small quantities of SLABs are being recycled in "backyard operations" however further intelligence information is required to determine the extent of the problem. Recent intelligence has confirmed that large quantities of SLAB's are being exported to Asian Countries. Indeed, the increased value of lead and the cost of recycling favour the shipment to Asian countries with lax environmental standards.



As a National project, the Intelligence program of EED is examining and analyzing potential targets that are involved in the illegal handling of SLAB's. The Intelligence project will use investigative search techniques to identify companies, institutions and 'backyard' operations that function to import or export SLAB's in a criminal manner.



NATIONAL ENFORCEMENT PRIORITIES (NEP)

NP#1 – THE METAL MINING EFFLUENT REGULATIONS

Introduction: The *Metal Mining Effluent Regulations* constitute a joint CPPD and Enforcement national priority for 2008-09, as the mining operations have a high public profile and deleterious releases from these facilities have the potential to result in significant environmental damage.

The rising price of metals on the world market increases the number of new players and is promoting the reopening of closed facilities. Over the past few years, EED has noticed significant non-compliance in the categories of new and re-opened mines. Therefore, enforcement efforts in 2008-09 will be targeted toward re-opening and new metal mining installations in order to verify their compliance with this Regulation and ensure that violations are appropriately addressed through enforcement actions. Any enforcement initiated in this sector in or before fiscal year 2007-08 and that is still ongoing will continue to proceed forward as planned.

EED and Compliance Promotion: While compliance promotion and enforcement form key elements of the regulatory compliance continuum, EED and CPPD have so far planned, implemented and reported on their activities more or less in isolation from each other. In recognition by both EED and CPPD that coordination between compliance promotion and enforcement was needed, this Regulation has been identified as one of the two (2) pilot projects for fiscal year 2008-09 for developing a synergistic approach for more effective and efficient implementation of departmental compliance promotion and enforcement activities. Except for the PYR, interaction between EED and CPPD under this Regulation is taking place in all regions. At the end of this fiscal year, an analysis will be done to identify lessons learned as well as any constraints and barriers encountered in the implementation of this synergistic approach in order to identify and recommend solutions.

EED has regional and national representatives on the MINES National Working Group (WG). This WG has so far served as a forum where EED can provide input and assistance where required on compliance promotion activities and material, as well as share field experience and advise on regulatory amendments. EED also provides assistance to EC Program in implementing the Regulatory Information Submission System (RISS) in the regions, in amending the system and in providing training to EED officers and regulatees.

Coming into force date: The *Metal Mining Effluent Regulations* were enacted under the *Fisheries Act* and came into force on June 6, 2002. Transitional authorizations referred to in subsection 34(3) of the Regulations, (which allowed some mines to discharge at higher contaminant concentrations) will expire on December 6, 2008, pursuant to S. 39.2 of the regulations.



Summary: This Regulation, adopted under the *Fisheries Act*, replaces the *Metal Mining Liquid Effluent Regulations* (MMLER) that had been in place since 1977, and repeal the *Alice Arm Tailings Deposit Regulations*, which were promulgated in 1979. This Regulation applies to all operating metal mines in Canada (approximately 100), while the 1977 MMLER only applied to about one third of Canada's metal mines. It imposes limits on releases of cyanide, metals, and suspended solids, and prohibits the discharge of effluent that is acutely lethal to fish. Mines are also required to conduct Environmental Effects Monitoring Programs to identify the adverse effects of their effluent on fish, fish habitat, and the use of fisheries resources.

Historical National Priority (past five years)

2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
YES	YES	YES	YES	NO



Summary of Inspection Focus

NP #1 – The Metal Mining Effluent Regulations			
Region	Estimated Size of the Regulated Community	Inspection Type	Number of Planned Inspections
National	98	On-site Inspections	79
		Off-site Inspections	511
		Total	590
Atlantic	9	On-site Inspections	9
		Off-site Inspections	18
		<i>Total</i>	27
Quebec	30	On-site Inspections	30
		Off-site Inspections	160
		<i>Total</i>	190
Ontario	31	On-site Inspections	13
		Off-site Inspections	145
		<i>Total</i>	158
Prairie & Northern	20	On-site Inspections	14
		Off-site Inspections	146
		<i>Total</i>	160
Pacific & Yukon	8	On-site Inspections	13
		Off-site Inspections	42
		<i>Total</i>	55

Atlantic Region (AR) for MMER

Inspection

Regional Context: The regulated community in AR is composed of nine (9) facilities. AR plans to work with the Atlantic provinces in conducting inspections. An approach to conduct joint inspections was a subject of discussion at a recent meeting between provincial environment departments in the AR and EC. Given the federal and provincial legislative overlap in this sector, the MMER and Pulp and Paper Effluent Regulations (PPER) are ideal candidates for cooperative or joint inspections. Although, no plans



were in place during the preparation of this report, joint inspections will be discussed at an upcoming meeting of the above noted parties.

EC program and CP support has been strong in this sector in AR. Program officials at the national level refer files relating to any new, re-opening or prospective mines to EED. As part of the file transfer, program officials ensure that the owners have received compliance promotion material and inform EED of the current situation and expected date at which the facility will have to comply with the regulations. In addition, program staff periodically accompanies enforcement officers during inspections.

Three (3) inspection files that were initiated in 2007-08 are still open. The key issue in those files relates to effluent toxicity. One of them has been referred to Investigation for an assessment of due diligence.

Regional Plan: All nine (9) AR mining installations covered by this Regulation will be inspected in light of recent compliance concerns. A sample of the quarterly and annual reports for each of the nine (9) mines will be reviewed (2 per mine per year). In addition, two (2) collateral inspections of abandoned mines will be conducted under s. 36(3) of the *Fisheries Act*.

Investigation

Only one MMER file has been opened and referred to Investigations in the previous five fiscal years in AR. This file was referred in 2008 and is still an open investigation. All future referrals from any sources relating to the MMER will be evaluated for probability of investigative success (e.g. sufficiency of evidence) and due diligence defences. Given that this is a national priority regulation, any referral to Investigations will be given a priority status. In areas where there is jurisdictional overlap with the provinces, enforcement activities will be coordinated with the provincial enforcement organizations to determine a joint effort or response. Expert support from EC Program may be required for upcoming investigations of violations under this Regulation.

Intelligence

One referral from Intelligence pertaining to a re-opening mine was provided to Inspections in fiscal year 2007. On-site inspections were conducted at this installation but no compliance issues were identified. Nonetheless, the facility has been added to the regular inspection schedule of the AR. Although no intelligence probing activity is anticipated in this sector in fiscal year 2008-09, intelligence support to inspections and investigations will be provided as needed.



Quebec Region (QR) for MMER

Inspections

Regional Context: The Quebec Region currently has 30 mining sites that are subject to the Regulations, all located in remote regions such as Abitibi-Témiscamingue, James Bay, North Shore and Northern Quebec. In 2008-09, between six (6) and twelve (12) new known projects could be subject to the Regulations.

Moreover, the governments of Quebec and Canada have agreed to develop a joint system for entering and transmitting federal and provincial regulatory mining data (SENV system). As this system should be operational in 2008, training sessions could be given when the system goes online, either during the current fiscal year or next year.

The region is not planning to conduct any joint inspections with provincial authorities, since they operate with authorization certificates specific for each mining site.

The regional enforcement division is closely supported by those responsible for the program (EPOD) and certain inspections that require particular expertise will be conducted with an analyst from this directorate.

All inspections scheduled for 2007-08 were completed and none will require completion in 2008-09.

Regional Plan: Administrative audits will be conducted on quarterly effluent quality reports to ensure compliance follow-up. Administrative audits will also be conducted on annual reports, for a total of 160 off-site inspections. Eleven trips to inspect mining sites are scheduled for this year, representing some 30 mining site inspections.

Priority facilities in 2008-09 will be: mines that have become subject to the MMER over the last year as well as mining projects that will likely be subject to the MMER during the current year, mines that had difficulty meeting the provisions of the MMER in 2007-08, mines where worksites are undergoing significant and ongoing reshaping, and mines that might apply for recognized closed mine status.

Investigations

In December 2007, a file was transferred for investigation following several observations of non-compliance identified during administrative, on-site inspections. This case is still being handled by enforcement officers and is a major investigation for the Quebec Region. Since the coming into force of the MMER, it has been the only regional investigation initiated under this Regulation.

In order to encourage continuity in established priorities, investigation recommendations pertaining to the enforcement of priority regulations, whether they stem from inspection or intelligence activities, will be given priority analysis and assignment when they are submitted in the current or previous year.

Intelligence



No files or referrals relative to this sector. Support will be provided as required in identifying or examining new mines or mines which may be re-opening. Support will also be provided as required on investigations.

Ontario Region (OR) for MMER

Inspection

Regional Context: The regulated community in OR currently encompasses 31 regulated sites, which include four (4) new installations. No plans are in place to work with the province in conducting inspections in fiscal year 2008-09, as joint inspections have proven to be inefficient in the past. This is due to differences in federal/provincial regulatory requirements, and time constraints placed on the regulatee when 2 levels of government are verifying compliance on the same day.

The regional Spill Action Centre notifies the OR of mines requiring follow up inspections. CPPD and the responsible program also aid in the identification of new and potential regulated mines as they have access to information pertaining to provincial permits.

All inspection files initiated in 2007-08 to date have been completed. A total of six (6) MMER files have been referred to Investigations, and are still under review.

Regional Plan: Concurrent with the national targeting strategy in this sector, the focus of OR's inspections will be on new mines that have never been inspected. Efforts will also continue on mines that are currently under investigation. Collateral inspections under the EIHWHRMR will be done where installations are subject to both regulations. A total of 13 on-site and approximately 145 off-site inspections are planned in fiscal year 2008-09. Selection of installations will be based on RISS data.

Investigation

OR has conducted 12 investigations under this Regulation over the past five years. Five (5) of those originated from inspections. Currently there are nine (9) open investigation files. Given that this is a national priority regulation, any referral to investigations will be given a priority status.

Intelligence

Although Intelligence support for this regulation is not anticipated in OR, it will be provided as needed.

Prairie and Northern Region (PNR) for MMER



Inspection

Regional Context: PNR currently has 20 mines regulated by the *Metal Mining Effluent Regulations*. As well, there are three (3) new mines under construction which are expected to be subject to the regulations in fiscal year 2008-09. Due to high metal prices, a high level of exploration and new mine development is occurring throughout the region.

Compliance Promotion in PNR maintains 0,25 FTEs in support of MMER activities. In line with the national targeting strategy, the focus in PNR will be on mines in development and new mines. Enforcement activities will continue to be coordinated with those of CPPD and the Environmental Effects Monitoring (EEM) group in Edmonton.

A total of 12 MMER inspections were initiated in 2007-08 and are still pending, as follow-up enforcement activities are still required. It is anticipated that these files will be closed this fiscal year.

Regional Plan: A minimum of 14 on-site inspections and 146 off-site inspections are planned to be completed this fiscal year. Mines in development and new mines will be the primary focus of on-site inspection activities. The balance of planned inspections will focus on mines which have not been inspected in the last 2-3 years, and mines which have experienced compliance problems in the past. Off-site inspections include the review and verification of quarterly reports and annual reports from each mine as provided in the RISS system.

Investigation

Seven (7) investigations have been initiated in the last five fiscal years under this Regulation; five (5) of those originated from Inspections. All 7 have been completed. All referrals from Inspections to Investigations during fiscal year 2008-09 will be reviewed, assessed, and actioned in order of merit. Investigations related to national priority regulations, such as the MMER, will be given priority.

Intelligence

To date there have been no intelligence probes in PNR related to metal mining and none are anticipated for fiscal year 2008-09. Intelligence support will be provided to Inspections and Investigations as needed.



Pacific and Yukon Region (PYR) for MMER

Inspection

Regional Context: There are currently eight (8) metal mines in PYR subject to the MMER. Two (2) new mines which are under the discharge limit are not covered by this Regulation.

The provincial Ministry of Environment (BCMOE) has significantly reduced its inspections of mines, so it is no longer possible to conduct coordinated site inspections. As a general procedure, the enforcement officer will contact the MOE official and advise that EC will be conducting an on-site inspection at a specific mine.

The province refers spill incidents involving mines to EC through the BC Provincial Emergency Program (PEP) Dangerous Goods Incident Reporting (DGIR) system. All self reported MMER out-of-normal-course-of-event (ONCE) incidents are also reported through the PEP DGIR system. PYR receives on average 3-6 incident reports from PEP annually.

EPO PYR provides compro support dedicated to the MMER as required for new mine development. There are no new MMER mines expected to go into operation during 2008-09.

Regional Plan: PYR will conduct at least 1 MMER on-site and 5 off-site inspections of installations. Selection of the target installations will be based on data submitted via the RISS system. PYR will also continue to respond to exceedances at the final discharge point and out of the normal course events. On-site inspections may also be conducted under s.36(3) of the FA at closed or abandoned mines with known potential environmental impacts, as significance and capacity permits.

Investigation

A total of three (3) investigations have been conducted in PYR under this Regulation. One file remains open as of the beginning of the current fiscal year.

Intelligence

PYR Intelligence has no current probes being conducted in this sector. Intelligence activity over the past five years for this regulation has been minimal. PYR Intelligence section is not expected to provide any tactical support to Inspections / investigations for fiscal year 2008-09, but will provide assistance as required.



NP#2-EXPORT AND IMPORT OF HAZARDOUS WASTE AND HAZARDOUS RECYCLABLE MATERIALS REGULATIONS

Introduction: The *Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations* (EIHWHRMR) constitute a joint EED and compliance promotion priority for 2008-09 due to the continuing requirement to meet our domestic and international obligations (Basel Convention, Organization for Economic Co-operation and Development (OECD), Canada-USA Agreement, etc.) and maintain border security and integrity. The enforcement of this Regulation is essential to ensure that Canada meets its international obligations under the Basel Convention, the OECD Decision 2001(107), and the Canada-U.S. Agreement on the movement of hazardous and non-hazardous wastes.

In addition, the export of hazardous waste to developing countries continues to be an issue for EED. In fact, the demand for resources in Asia has pushed value of scrap material to record prices. With the introduction of the current Export and Import Regulations, there are new conditions on previously non-regulated industry sectors dealing with hazardous wastes and hazardous materials (such as used lubricating oils, oil filters, scrap waste and electronic waste) that are defined as hazardous by a foreign receiving country and whose import has been prohibited by that country. Other waste or materials that have been found in shipments of scrap materials being exported include batteries, car parts and PCBs.

This joint pilot project should further facilitate and increase the level of cooperation between EC Program, CPPD and EED officials. This effort could also lead to the identification of new areas of concern, and specific stakeholder groups that may require further outreach or training sessions.

Coming into force date

The *Export and Import of Hazardous Waste Regulations* were first introduced in 1992, and were amended in 1994 and 2002. In November 2005, they were replaced by the *Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations* (EIHWHRMR).

Summary: The purpose of the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations* adopted under section 191 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) is: to protect Canada's environment and the health of Canadians from the risks posed by the transboundary movement of hazardous wastes and recyclable materials through exports and imports; and to implement Canada's international obligations. This Regulation revokes and replaces the former *Export and Import of Hazardous Wastes Regulations* (EIHWR) adopted in 1992 under the authority of the former *Canadian Environmental Protection Act*.



Historical National Priority (past five years)

2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
YES	YES	YES	YES	YES

Summary of Inspection Focus

NP #2 - EXPORT AND IMPORT OF HAZARDOUS WASTE AND HAZARDOUS RECYCLABLE MATERIALS REGULATIONS			
Region	Estimated Size of the Regulated Community	Inspection Type	Number of Planned Inspections
National	445	On-site Inspections	531
		Off-site Inspections	160
		Total	691
Atlantic	6	On-site Inspections	20
		Off-site Inspections	5
		<i>Total</i>	25
Quebec	250	On-site Inspections	195
		Off-site Inspections	90
		<i>Total</i>	285
Ontario	100	On-site Inspections	227
		Off-site Inspections	25
		<i>Total</i>	252
Prairie & Northern	49	On-site Inspections	24
		Off-site Inspections	29
		<i>Total</i>	53
Pacific & Yukon	40	On-site Inspections	65
		Off-site Inspections	11
		<i>Total</i>	76



EED and Compliance Promotion

For the fiscal year 2008-09 planning cycle, EED, CPPD and EC Program representatives will, through the National Wastes and PCB WG, develop a compliance strategy that will identify areas where compliance promotion and enforcement efforts should be dedicated in the following 2-3 years. The compliance strategy will build upon the draft compliance promotion plan that has been prepared for this Regulation, and which will be expanded to also include the enforcement component of the continuum.

Atlantic Region (AR) for EIHWHRMR

Inspection

Regional Context: The AR currently has two (2) facilities that hold import permits and four (4) that have export permits. These figures vary from year to year. The AR provinces issue licenses to all waste generating and/or treatment facilities. EED works in close collaboration with the provinces if/when an issue arises with the permits.

Most referrals, which average 15-20 per year and occur for the most part in New Brunswick, come from the Canadian Border Services Agency (CBSA) and relate to land border crossings. The AR currently has 28 border crossings, which include 5 marine terminals, the international border crossing between Saint Pierre et Miquelon (France) and Newfoundland, and nine (9) CBSA recognised ports, three (3) of which are considered commercial. Referrals from provincial counterparts are minimal, averaging less than five (5) per fiscal year. Given that the AR is comprised of four (4) provinces, networking is essential in order to continually be at the forefront of new and emerging issues, particularly in this sector.

EC Program refers on average 1-3 new or potentially non-compliant files to AR per year. So far, EC Program officials have worked closely with EED in identifying and verifying the compliance of importers. However, compliance promotion in the AR for this sector is anticipated to be minimal in fiscal year 2008-09, due to limited capacity.

The predominant sector of concern in the AR is the importation and exportation of waste batteries to and from the United States. E-waste exports to China continue to be a sector of focus by the regional Intelligence section. Any suspected illegal activities are referred to Inspections for follow up.

Regional Plan: E-waste will continue to be monitored and inspections will be conducted following referrals from CBSA, AR Intelligence, or other regional offices of EED. The area of interest for this FY will include waste oils imports from Saint Pierre et Miquelon (France) that are destined to Newfoundland and Nova Scotia. The importer identified in this particular activity is a new regulatee under the EIHWHRMR.



AR will also be conducting 2-4 border blitzes at the Woodstock, Edmundston and St. Stephen (New Brunswick) borders over the fall/winter of 2008-09. These joint operations are critical for maintaining effective relationships with CBSA. They also provide an excellent opportunity for EED to provide specialized training to CBSA officers, they act as a deterrent to the regulated community, and they can be useful in identifying potential non-compliant shipments. AR also expects to conduct collateral inspections at facilities or on shipments which are also subject to the New Substances Notification Regulations (NSNR) and the Ozone Depleting substances Regulations (ODSR). A total of 20 on-site inspections at regulated facilities and 5 off-site (shipment) verifications are anticipated for fiscal year 2008-09. All inspections conducted in fiscal year 2007-08 under this Regulation are currently closed.

Investigation

AR Investigations have worked closely with Inspections, Intelligence and external groups for referral and support on EIHWHRM files. It is anticipated that, for most circumstances, EED will have information on the compliance history of EIHWHRM regulatees in the AR, as this Regulation has been around for a number of years. This compliance history information will facilitate and allow a more thorough analysis of possible evidence and due diligence defences as they relate to violations. In 2007-08, three (3) investigations were initiated, one (1) of which will carry over into the 2008-09 fiscal year, and two (2) were closed.

Intelligence

Several intelligence probes have been identified and referred to Inspections and Investigations in 2007-08. On-site compliance verifications were done on referrals to Inspections. The investigation file is still under review. Intelligence will continue to provide support to inspections in identifying potential inspection targets, particularly in the areas of SLABs, e-waste and waste oils, and to Investigations as needed.

Quebec Region (QR) for EIHWHRM

Inspection

Regional Context: The responsibility for verifying compliance with these regulations is shared between the Inspections Section and the Waste Management Division (WMD) at Headquarters. This sharing can be summarized as follows:

- 1) The Inspections Section in the region checks the compliance of hazardous waste and hazardous recyclable materials shipments at Quebec land, maritime and railway border crossings;
- 2) The Waste Management Division at Headquarters checks compliance with administrative requirements and calls upon the Inspections Section when non compliances are detected.



Hundreds of Quebec companies have import and export permits.

Generally, customs officers in the region submit around sixty requests for assistance. The region's hazardous waste shipments are handled by 3 (three) main land border crossings, a few other smaller border crossings, as well as 4 (four) large maritime ports.

Regional Plan: In accordance with the 1989 memorandum of understanding between the Canada Revenue and Customs Agency and Environment Canada, there is an inspector on duty 24 hours a day, seven days a week, ready to assist CBSA inspections and to conduct inspections under the Regulations, as required. Around sixty requests for customs officer assistance are expected this year.

A special operation is scheduled this year: "Operation Road Check". It will involve monitoring several border crossing points for one or more days simultaneously. These may be land, port or railway border crossing points. In collaboration with the CBSA, this operation could be conducted with other federal or provincial government agencies such as the Société d'assurance automobile du Québec, Transport Canada, etc. This operation is scheduled for early June 2009.

The issue of the illegal export of electronic waste to Asian countries will receive the section's attention in 2008-09 and particular effort will be dedicated to this problem. The recycling industry in general and the used battery industry will also be targeted, consistent with the national project.

Furthermore, the 2008-09 inspection plan includes having inspectors at a border crossing 25 times during the year. These inspections will also make it possible to check the compliance of shipments transported over land. One hundred and fifty shipment inspections are planned for 2008-09.

On border crossing inspection days, other regulations can also be checked based on the nature of the transportation, notably the *Ozone-depleting Substances Regulations* and the *New Substances Notification Regulations*.

Due to the internal procedure developed at the end of 1998 for checking shipping documents and certificates for the disposal and recycling of hazardous waste, the Waste Management Division at Headquarters will be sending several administrative non-compliance cases to the Inspections Section. Approximately sixty non-compliance cases stemming from Headquarters are expected this year.

Shipment inspections and administrative verifications will result in the Section conducting more than twenty inspections directly with the importers, exporters or carriers.



Investigation

Since 2003, five (5) companies or individuals have been inspected separately for several violations of the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations* (EIHWHRMR), and its previous version. Of this number, it is important to note that three (3) investigations were promptly initiated in 2006-07 in response to the illegal export of electronic waste to Asian countries. These complex investigation cases were given particular attention and follow-up, given the international scope of the issue. To date, two (2) of these investigations are still being conducted by Quebec Region enforcement officers.

In June 2008, a Montréal company was found guilty of illegally importing hazardous recyclable materials without a permit as a result of an investigation initiated in May 2006.

To encourage continuity in established priorities, investigation recommendations pertaining to the enforcement of priority regulations, whether they stem from inspection or intelligence activities, will be given priority analysis and assignment when they are submitted in the current or previous year.

Intelligence

Several EIHWHRMR referrals were made to Inspections and Investigations and to international partners in 2007-08. Support will continue to be provided in identifying those involved in illegal activities under this Regulation, particularly in the areas of SLAB and e-waste, and for investigation of violations.

Ontario Region (OR) for EIHWHRMR

Inspection

Regional Context: There are currently 100 permit holders in the OR. Joint inspection work with the Ontario Ministry of the Environment has recently revolved around border inspections/blitzes that are initiated by the province. Provincial officials have expressed a continued interest in this type of exercise and have indicated that they would like to plan more such joint operations in 2008-09. These joint operations also result in referrals from the province, which average 10 per year.

Approximately 50 referrals from the CBSA have been provided to OR per year in the past few years, with a slight increase over the past months. There are 12 border crossings where waste/recyclables can be exported or imported in OR, and there are 4 major ports: Hamilton, Toronto, Thunder Bay and Sarnia.

EED also receive a number of referrals from EC Program officials, which amount to approximately 35 per year in OR but have been increasing recently. In terms of compliance support from CPPD in the OR, it is anticipated to be minimal in fiscal year 2008-09, due to capacity issues.



With a large industrial base, Ontario is well represented in virtually all major industrial sectors. This results in the generation of large amounts of waste and recyclables of various types. In addition, the province is home to some major facilities that are involved in waste disposal or recycling. These include a world class integrated hazardous waste management facility, a major lead smelter that uses lead acid batteries as a principal feedstock and an advanced refinery for the re-refining of used oil. Also, due to the high degree of commercial activity in the province, there is a large turnover of electronic devices (e.g. computers) and thus generation of electronic waste. What is noteworthy in Ontario is the large volume and wide variety of waste and recyclables that are exported and imported.

Regional Plan: The focus of inspections will be on used oil and e-wastes, in conjunction with the regional Intelligence officers. OR will be conducting a border blitz at one of the main port in October to verify compliance of export shipments. Collateral inspections under the ODSR, and perhaps under the Fuels and NSNR, will be conducted as part of the border operations. On-site inspections, estimated at 227 for fiscal year 2008-09, will consist of vehicle inspections at border crossings and facility inspections. Off-site inspections, estimated at 25 for fiscal year 2008-09, will largely result from referrals (CBSA, EC Program, other regulatory agencies and the public) that don't require an on-site response. All inspections conducted in 2007-08 are currently closed.

Investigation

OR has conducted 34 investigations under this Regulation over the past five years. Of those, 18 originated from inspections. There are currently 13 open EIHWHMR investigation files. As this is a priority regulation, any referral to investigations will be given a priority status.

Intelligence

Two (2) intelligence probes have been conducted so far on behalf of Investigations. The first one relates to a case which is currently before the courts. The second one involves a company active in the recycling sector and for which 2 containers were intercepted in Vancouver. The investigation had to be closed due to a major fire at the facility which resulted in the destruction of all potential evidence and the difficulty in locating the owner. For fiscal year 2008-09, tactical support is anticipated particularly for Inspections. This support will consist of information gathering and sharing, company analysis, and potential surveillance.



Prairie and Northern Region (PNR) for EIWHRMR

Inspection

Regional Context: In fiscal year 2007-08, a total of 148 export Notices and 34 import Notices were issued to 49 different installations in the PNR. The southern Districts (Alberta, Saskatchewan and Manitoba) work closely with their provincial counterparts on hazardous waste issues.

Although joint inspections with the CBSA are typically not carried out in PNR, information exchange is frequently taking place between the two agencies. CBSA plays an important role in the enforcement of this Regulation. On average, eight (8) referrals per year are received from CBSA in PNR. There are 34 US/Canada border crossings in the region, in addition to one recognized port (Port of Churchill), and the Port of Iqaluit, which although is not recognized under the Canada Shipping Act, constitutes the main port for servicing Nunavut.

The predominant EIWHRMR sectors of interest continue to be SLABs, electronic waste, waste crankcase oils, spent catalyst, biomedical wastes and some waste solvents. The first 3 categories are of particular concern in PNR. Intelligence have been working in these sectors and the regional CPPD officials have sent out mail information on the EIWHRMR to the waste oil and e-waste sectors as these were the most affected by the changes in the EIWHRMR as compared to the previous EIHW. CPPD is also handles public inquiries pertaining to this Regulation. In 2008-09, the CPPD officials in PNR are planning to organize two (2) information sessions and attend a conference and Waste and Recycling expo.

Regional Plan: The enforcement officers with the assistance of the CPPD and Intelligence staff will concentrate their efforts on the three (3) sectors of particular concern, i.e., SLABs, e-waste and waste oils. A total of 24 on-site inspections of waste oil, e-waste and SLAB generators or storage and processing facilities are anticipated in 2008-09, while approximately 29 off-site inspections are planned to verify compliance of shipping and transport documents.

No "border blitzes" are planned in 2008-09, as the region is presently without an active HazMat team. However, should PNR be invited by another agency to participate in a border blitz, it will be considered depending on the merit and resources available. Manitoba, Saskatchewan and Alberta Districts conduct periodic inspections at the border ports to monitor compliance with the EIWHRMR. As indicated earlier, these joint operations are critical to maintain effective relationships with the CBSA.

As of March 31, 2008 the PNR had four (4) open inspection files under the EIWHRMR. Of these, one (1) is being recommended for closure with no enforcement action required, one (1) resulted in a warning letter issued and will be closed, and two (2) will be forwarded to Investigations.



Investigation

Since April 2003, PNR has opened four (4) investigations under the EIWHRMR and EIHWRR, all of which originated from Inspections, and two (2) additional files are anticipated to be transferred from Inspections to Investigations in 2008-09. Of the four (4) investigations, two (2) files remain open and will be recommended for prosecution. Any new investigations that are referred from Inspections and Intelligence will be prioritized in order of the seriousness of the offence.

Intelligence

The Intelligence section of PNR has in the past conducted several projects related to hazardous wastes. Intelligence gathered as part of those projects indicates that: a) hazardous waste products are being imported and exported illegally, and that these imports and exports take place as part of a legal waste stream (i.e., a company has permits to import or export X but instead import or export Y); b) hazardous wastes have been miss-described for import and export (usually as burner fuel) to avoid the regulations and permit requirements. A number of targets resulting from these projects have been referred to Inspections and Investigations.

Pacific and Yukon Region (PYR) for EIWHRMR

Inspection

Regional Context: The predominant EIWHRMR sectors of interest in PYR are e-waste recyclers, scrap industry involved in plastic and metal exports, SLABs, used oil recyclers, and electrical equipment contaminated with PCBs. There are approximately 40 facilities in PYR that hold permits to export and import hazardous wastes. The majority of the shipments originate from or to the United States, and to a lesser extent from Alaska to Washington/Oregon through Canadian waters. Compliance with this Regulation in the past fiscal year has been erratic, and issues related to shipping between Notices, exceedances to volumes permitted, and unauthorized carriers.

PYR has 17 border crossings, seven (7) of which are major crossings. Yukon has two (2) border crossings with the US. The PYR Vancouver Office receives more than 50 referrals from CBSA per year. The region also has 2 major ports dealing with commercial container traffic: the Metro Port of Vancouver (consisting of CENTERM, LYNN TERM, VANTERM, DELTAPORT, FRASER SURREY DOCKS), and the Port of Prince Rupert on the Northern Coast of BC. The Metro Port of Vancouver being the largest and busiest Port in Canada is subject to a significant amount of marine containerized traffic (originating from various parts of Canada e.g. Ontario and Quebec) which could potentially be subject to the EIWHRMR. Scrap plastic and metal wastes originating from various areas across Canada and destined to SE Asia, particularly China and Hong Kong, go through the Port of Vancouver. This Port is serviced by both the CN and CP railways, which constitute the main mode of transport of containers to the ports.



Working in close collaboration with the provinces is critical, particularly in this sector, as the BC Environmental Protection Act (BCEPA) also controls hazardous wastes and hazardous recyclable materials. Close collaboration is currently taking place a) during the inspection planning process whereby consultation with regional waste management offices on current compliance issues for a given facility are discussed and if necessary, b) during inspections, as provincial counterparts are invited to participate in order to verify compliance with federal and provincial requirements. PYR gets more than 5 referrals per year from provincial environmental counterparts, more than 10 referrals from the EC Program, which generally relate to alleged administrative non compliance with the Movement Document, and alleged exceedances.

PYR also works in very close collaboration with CBSA in this and other sectors of common interest. This regional EED office carried out a joint enforcement operation with CBSA in November 2005, and this operation is continuing to date. During an 18-month period, 70 shipments of scrap waste destined for Asia were intercepted, over 60 of which had no EC permits for export and were out of compliance with other provisions of the EIWHRMR, *Polychlorinated Biphenyls Waste Export Regulations* (PCBWER) and *PCB Waste Storage Regulations*. The hazardous wastes intercepted included lead acid batteries, demolition wastes including PCB ballasts, auto wrecking oily wastes and electronic wastes prohibited under the Basel Convention including cathode ray tubes (CRTs). Up to 800 – 1,000 CRT's were found in many shipments mixed with miscellaneous computer and plastic wastes. The Vancouver Port Authority reported in their Annual Report that during 2006, 360,000 tonnes of scrap plastic and metal were shipped as exports to Hong Kong and China. The majority of these shipments originated from Ontario and Quebec. In 2007 the container facility in Prince Rupert began operating and is expected to be a new shipping point for hazardous waste and electronic waste exports. To date, there have been no referrals from CBSA in regards to hazardous waste shipments through the Port of Prince Rupert.

The level of program support for the EIWHRMR in the PYR is very high as the region has a dedicated compliance promotion scientist who works closely with the regional enforcement staff on current and emerging hazardous waste issues.

Regional Plan: Planned inspection activities at known regulated facilities in fiscal year 2008-09 can be broken down as follows:

- a) for known generator, importer and exporter facilities based on companies with current valid Notices, companies with Notices currently under review and companies whose Notices were refused, on-site inspections will be carried out;
- b) for e-waste recyclers, an updated target list of potential non compliers will be developed with Intelligence and EC Program officials;
- c) for marine shipments, planned activities will consist of carrying-out joint container inspections at border crossings, marine ports (Vanterm, Centerm, Lynnterm, Fraser Surrey Docks, Delta Port) or at the importer/exporter facility based on case referrals from



CBSA. The focus of this effort will be targeted on exports declared as “scrap metal & plastics” that may contain hazardous materials and electronic wastes;

d) for road and highway shipments, PYR will target specific importer/shipments (via the issuance of lookouts) based upon information from Intelligence and referrals from CBSA at BC highway crossings (Peace Arch, Pac Hwy, Aldergrove, Sumas, Osoyoos, Kingsgate & Patterson) and Alberta road traffic near Dawson Creek);

e) follow-up inspections will be carried out based on referrals from EC Program. Generally, such referrals concern issues with overages, manifest violations, and non-notifications at the importer, exporter and generator facility.

No border blitzes are planned for fiscal year 2008-09. All inspections initiated in 2007-08 have been completed, and a number of those inspection files have been transferred to PYR investigations for further follow up. In total, 65 on-site and 11 off-site inspections are planned for fiscal year 2008-09.

Investigation

PYR Investigations has so far conducted 16 investigations for violations of this Regulation. Three (3) files, which originated from Inspections, are still open and work will continue on those in fiscal year 2008-09.

Intelligence

PYR Intelligence anticipates that tactical intelligence support will be required for Inspections and Investigations in 2008-09. Intelligence will continue to gather initial CBSA information and forward that information to the respective sections and other EED regions as appropriate. PYR Intelligence has also been responsible in the past for preparing investigation files for transfer to other regions. Intelligence is also responsible for placing CBSA holds and lookouts in PYR for containers of interest. A number of intelligence probes were conducted in the period of 2004-08. Work is still continuing on some of these probes.



NP#3 – FISHERIES ACT – SUBSECTION 36(3)

Subsection 36(3) of the *Fisheries Act* (FA) remains an inspection priority for 2008-09 due to Environment Canada's delegated mandate to enforce this section of the Act, and the volume of efforts required in the past few years to respond to complaints from a wide variety of stakeholders.

The FA is the critical element in dealing with spills and releases. A vast majority of the calls received from the public pertain to spills or releases in watercourses. It is the last resort in dealing with many of the unregulated industries, including agriculture, aquaculture (fish processing), concrete, composting facilities, oil and gas industry, construction projects, diamond mine operations, advanced mineral exploration sites, oil and gas exploration and development activities, federal facilities, the marine sector and municipal waste water.

Protecting water quality is also necessary function for maintaining and sustaining all fishery resources in Canada. The geography in Canada supports many major fishery resources that bring economic and recreational value to the citizens of this country. It is a heritage and a legacy that is highly valued by Canadians.

In order to be pro-active, two (2) sectors (fish processing plants and passenger cruise ships) covered by this general provision have been the subject of national attention under the FA, and others are given a regional focus, where appropriate. Regional contributions to these national and regional projects are elaborated in the relevant sections below.

Coming into force date

The General Prohibition provisions of the *Fisheries Act* were mandated to Environment Canada in 1978.

Summary: The federal government has a responsibility and the jurisdiction to protect and conserve Canada's fisheries resources. The FA contains specific provisions that pertain directly to the protection of fish and fish habitat, and the management of the fisheries resource. Under agreement with Department of Fisheries and Oceans (DFO), EC enforces the pollution prevention provisions of the FA and more specifically, subsection 36(3) of the Act. Subsection 36(3) prohibits the deposit of substances that are deleterious to fish into a place where the substance may enter or does enter waters that are frequented by fish. It is essentially a "zero discharge" statute that prohibits the discharge of deleterious substances, unless there is a regulation that permits the discharge. As such, the section applies indiscriminately to all industries, companies and individuals alike. In the past, the majority of enforcement activities have been in response to complaints received from the public and Environmental Non-Governmental Organization's (ENGOS), or information from partners. In addition, several sectors have been identified and targeted for inspection or investigation follow-up, based on intelligence gathered in previous years.



Historical National Priority (past five years)

2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
YES	YES	YES	YES	YES

Summary of Inspection Focus

NP#3 - FISHERIES ACT – SUBSECTION 36(3)			
Region	Estimated Size of the Regulated Community	Inspection Type	Number of Planned Inspections
National		On-site Inspections	607
		Off-site Inspections	568
		Total	1,175
Atlantic		On-site Inspections	130
		Off-site Inspections	110
		<i>Total</i>	240
Quebec		On-site Inspections	91
		Off-site Inspections	64
		<i>Total</i>	155
Ontario		On-site Inspections	60
		Off-site Inspections	30
		<i>Total</i>	90
Prairie & Northern		On-site Inspections	106
		Off-site Inspections	114
		<i>Total</i>	220
Pacific & Yukon		On-site Inspections	220
		Off-site Inspections	250-occurrences
		<i>Total</i>	470



Atlantic Region (AR) for FA

Inspection

Regional Context: The four (4) sectors of particular interest in the AR are the following:

a) fish processing plants (FPP): this constitutes a traditional industry in AR, and is particularly concentrated in certain areas of the region. In fact, this industry is considered the economic engine of some communities, and hence represents a sensitive issue. More complaints in the past few years have come to EED's attention, which mostly concerned the quality of effluent from the larger, more intensive operations. Provincial authorities issue permits to FPP installations and occasionally conduct inspections for compliance with the operating permit. A national enforcement plan was developed, to which AR, PYR and QR are participating, and which focuses primarily on the worst case offenders.

b) commercial composting: this industry has developed quickly in this region, and the discharge of effluents rich in ammonia and nutrients has become an issue, particularly when it finds its way to fish bearing water.

c) ready mix concrete operations: this industry faces the same challenges as in any of the regions when fish bearing water is located close by.

d) passenger cruise ships: AR will look at effluent discharges from ships with greater than 100 passengers and weighing less than 400 tonnes. These vessels enjoy a 5 year delay before the Canada Shipping Act's requirement to install treatment comes into force. During this period, the prohibitions of the *Fisheries Act* still apply. To date, no compliance promotion has been provided to the industry regarding the regulatory requirements. Environment Canada, in collaboration with Transport Canada will start a program to promote regulatory awareness with a letter to vessel owners and companies and EC will conduct on-site inspections to verify compliance with the *Fisheries Act*.

The AR is the only region that produces offshore oil and gas fields. This activity is carefully watched by environmental groups and is reported on regularly in local and national newspapers. Both Newfoundland and Labrador and Nova Scotia have joint Federal / Provincial boards that assume primary control over environmental issues with AR providing help in enforcement and other support issues when called on. AR has also started conducting collateral inspections of offshore installations under the Federal Halocarbon Regulations, as there is no applicable regulation administered by the board that covers these substances.

The discharge of un-treated municipal sewage into the marine environment has been a historical issue in this region. While several large sewage treatment plant projects have started construction, the discharge from smaller municipalities is anticipated to continue until regulations for controlling such effluents come into force.



To date, few referrals have been made by the provincial environment departments. With renewed efforts by both provinces and EC to work more closely together, the number of referrals or joint files is expected to increase. The majority of FA inspections originate from pollution incident reports received from the Coast Guard Regional Operations Centre. Other reports originate from public complaints, referrals from Intelligence and from EC programs. In line with the national non-compliance detection strategy outlined in this document, inspection and investigation efforts in AR under these 4 sectors of interest will likely be driven by the work of the Intelligence section. As a result, the number of FA files is expected to increase.

No proactive compliance promotion activities under the FA are expected to take place in AR this fiscal year. In the past, compliance promotion support has been provided on a sectorial basis, as requested by EED. Resourcing in regional and national programs appears to be focused on CEPA Regulations.

A regional issue that surfaced in 2007-08 relates to the timely closure of files. As a result, a concerted regional effort was made to close all files that are still open. This action plan will continue in fiscal year 2008-09. A quality control officer has been hired with the responsibility of tracking open files so that timely responses can be made.

Regional Plan: Enforcement efforts in 2008-09 will continue to focus on fish processing plants, ready-mix concrete and composting. A total of four (4) FPP facilities will be inspected. The ready-mix and composting special project work was started several years ago in an attempt to identify industries that did not have specific regulations but may be having an impact on the environment. This project will continue in 2008-09 and will be re-assessed for the following year. It is estimated that there will be six ready mix concrete facilities, and 10 composting facilities, inspected this year.

Abandoned metal mines will also be subject to enforcement activities. In addition, two (2) inspections of offshore oil and gas facilities will be inspected, and approximately 220 follow up inspections originating from tips, complaints and other sources will be done. Although no enforcement activity is anticipated in the passenger cruise ship area in fiscal year 2008-09, as this sector has been identified as a sector of national interest, the AR will work closely with the regional office of Transport Canada to identify worst cases as they relate to discharges of waste waters in Canadian waters. On-site inspections will begin in the early spring 2009.

When the possibility exists to conduct a collateral inspection, this region will take advantage of the situation to conduct collateral inspection at both the primary target as well as other regulated facilities in the vicinity. Collateral inspections grouped by region or target may include FHR, ODS and Dry Cleaning (Perc) inspections or any other regulation that the enforcement officer may identify as relevant.



Investigation

Thirty-two (32) investigations have been opened in previous years under section 36(3) of the FA. Nine (9) FA related files are currently under investigation. A majority of these files were referred from inspections.

AR Inspection, Intelligence and Investigations staff work closely together on the development of files relating to the *Fisheries Act* since, in most cases, those files originate from a spill report or a complaint. This working relationship has allowed for the development and implementation of an integrated approach to *Fisheries Act* files, which calls for investigators to get involved early on in the process for advice or support. Therefore it is anticipated that file referrals from one section to another will be timely and seamless.

Intelligence

Several independent referrals were made to Inspections in the last year and a recommendation to examine the composting sector was made. In the past, probes regarding possible FA violations and which involved regulatees previously unknown to AR were followed up by inspections and some violations were identified. Support from Intelligence will continue to be provided in identifying those involved in illegal activities under this provision. Also Intelligence support may be required for Investigations of violations. A large portion of the Intelligence Section's time in this region is identifying issues related to s. 36(3).

Quebec Region (QR) for FA

Inspection

Regional Context: Given the abundance of fish-bearing waters in Quebec, the general provisions of the FA generate considerable compliance verification activities considerable in the Quebec Region. There will be three important issues in 2008-09: fish processing plants in the Gaspésie region; abandoned mines where effluents are entering the environment; the cruise ship and ferry sector and processing complaints by citizens or organizations and alleged cases of violations brought to the attention of inspectors.

The outdated nature of certain directives, regulations or policies pertaining to the FA is also of concern to the region. A review of the Petroleum Refinery Effluent Regulations and Guidelines, the *Guidelines for Effluent Quality and Wastewater Treatment at Federal Establishments* and the *Fish Processing Operations Liquid Effluent Guidelines* should be a priority for the Department.

In July 2007, the Quebec media raised public awareness of the fact that cruise ships were directly discharging wastewater into fish habitats. Transport Canada is aware of the contaminant discharge problem and, in May 2007, adopted the *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals* under the 2001 Canada



Shipping Act. These regulations target several categories of ships and several types of contamination.

The vast majority of inspection cases are generated from public complaints and a few cases are brought to our attention by other federal departments or departments within the Government of Quebec. Every year, approximately 120 cases are generated and lead to on-site or off-site inspections.

In 2008-09, 37 cases initiated in 2007-08 will be continued.

Regional Plan: Apart from inspections planned for the spring and summer of 2008 as part of a follow-up on 2007-08 cases, the Inspections Section is planning inspections pertaining to issues listed in the “Regional Context” section. Inspections will therefore be conducted in the following sectors: fish processing plants that discharge wastewater into fish-bearing waters, mining site restoration project requiring follow-up, and responses to complaints from citizens or organizations and cases of alleged violation brought to the attention of inspectors. Approximately 60 complaints are received every year. This year, although the response to complaints is coordinated by unit 2, the work is equally shared among the units. The Quebec Office will assume responsibility for responding to provincial complaints.

Furthermore, inspections will be conducted in the cruise ship sector. Transport Canada will be contacted to identify the regulated community and prioritization criteria. Environment Canada plans to get the list of the major cruise ship companies from Transport Canada. Based on this list, priorities will be determined and targeted inspections will be conducted. Cruise ships and other crafts subject to the regulations will be inspected.

Since inspections under subsection 36(3) of the *Fisheries Act* are mostly generated from complaints, it is difficult to plan related inspections for the enforcement of other regulations. However, depending on the inspection site or region, officers usually check to see if other related inspections can be conducted, especially when travelling to remote regions.

The number of on-site and off-site inspections was established by calculating inspections scheduled for the planned projects (marine product processing plants, cruise ships and mining sites) as well as inspections for responding to complaints based on statistics from previous years.

Investigation

Investigations pertaining to general prohibitions contained in the *Fisheries Act* over the last few years benefited from the considerable effort and determination of enforcement officers assigned to the investigations. Since 2003, eight (8) investigation cases have been initiated, including three (3) cases considered to be complex. It should be noted that all these investigations stem from non-compliance issues identified during



administrative and on-site inspections. The Quebec pulp and paper industry alone generated four (4) of these investigations for the non-compliant discharge of effluents or for spills from pulp and paper mills. Of these eight (8) investigations, two (2) are ongoing and being conducted by Quebec Region enforcement officers.

Regional investigations pertaining to general prohibitions of the *Fisheries Act* recently resulted in important environmental guilty verdicts: two companies were given respective fines of \$750,000 in 2006 and \$125,000 in 2007.

To encourage continuity in established priorities, investigation recommendations pertaining to the enforcement of priority regulations, whether they stem from inspection or intelligence activities, will be given priority analysis and assignment when they are submitted in the current or previous year.

Intelligence

Support will continue to be provided in identifying those involved in illegal activities under this provision. Also support may be required for investigation of violations.

Ontario Region (OR) for FA

Inspection

Regional Context: Inspections under this general provision usually originate from referrals from other agencies, complaints, or spills that are posted on the MOE SAC report. The number of inspections performed is dependent on the number of referrals, complaints and spills that occur in a given year. An estimated amount of 40 inspections may occur in a given year. These referrals and complaints are prioritized and the inspections performed in a timely fashion. A spill would constitute a high priority and an inspection would occur as soon as possible.

The sectors represented in OR are agriculture, landfills, municipal sewage, mining, forestry, transportation, and manufacturing. The first three (3) are the predominant sectors of interest to EED-OR.

Most referrals from Provincial environmental counterparts are from the provincial SAC. Other relevant entities are citizen complaints and DFO. Since most incidents concerning spills to water are reported to SAC, the Ministry of Environment is usually the first responder unless it is outside of their jurisdiction.

Compliance promotion activities under the general provision of the FA are not anticipated in fiscal year 2008-09.

Regional Plan: Regional area of concern consists of municipal landfills and sewage, agriculture. The opportunity to conduct collateral inspections as a result of FA 36(3) occurrences would be very small due to the unpredictable nature of the incidents. Based



on the last five years the average number of off-site inspections per year is 30 and the average number of on-site inspections is 60. The same estimates have been used for this year's planning exercise. A total of 72 inspection files were initiated in fiscal year 2007-08, 12 of which are still open.

Investigation

OR has conducted a total of 33 investigations under this provision over the past five years. Of those, 17 originated from Inspections, and there are currently 17 open investigation files. As this provision has been identified as a national priority, any referral to Investigations will be given a priority status.

Intelligence

Currently one company is being probed in relation to allegations of illegal dumping of identified toxic substances into rivers and lakes. No current intelligence requests are outstanding. It is anticipated that tactical support will be requested by Inspections and Investigations, with a stronger emphasis on the latter. This support will consist essentially of information gathering and sharing, company analysis, and potential surveillance.

Prairie and Northern Region (PNR) for FA

Inspection

Regional Context: The *Fisheries Act* accounts for a significant part of the workload of the inspection program in PNR. Most inspections result from referrals from other agencies or pollution incident reports. The predominant sectors of concern are municipal waste water discharges, oil and gas operations including exploration and development activities, agriculture, the shipping sector, mining operations including exploration and development and abandoned mines/contaminated sites remediation. There is a modest cruise ship industry in the north and one operating fish plant located in Nunavut.

The primary source of referrals are provincial/territorial authorities, DFO and the spill lines located in each district - Alberta, Saskatchewan, Manitoba and the NWT and Nunavut. Indian and Northern Affairs Canada also play a major role, similar to a provincial agency in the NWT and Nunavut and provide many referrals.

No compliance promotion activity relating the *Fisheries Act* is planned by CPPD under this provision in fiscal year 2008-09.

Regional Plan: Enforcement efforts in fiscal year 2008-09 will focus on complaints, spill incidents and referrals from other agencies within the region. Many facilities in the NWT and Nunavut are located on federal lands and where possible some proactive inspection of facilities will be completed as collateral inspections where possible such as diamond mine operations, advanced mineral exploration sites, oil and gas exploration and



development activities and federal operations including Dewline cleanup projects covered under the *Fisheries Act*. Some effort will be utilized to address the shipping sector and respond to spill reports or any pollution incidents referred to Environment Canada through the National Aerial Surveillance Program (Pollution Flight Reports). The sole operating fish plant will be inspected. In 2008-09, 274 inspections were initiated of which five (5) remain open at year's end.

Investigation

A total of 67 investigations were opened during the past five years, of which 11 remain open as they are awaiting either further investigative activity or a conclusion from the Department of Public prosecution or the courts.

In PNR, the transfer of files from occurrences or inspections is well developed and efficient. Although there is no specific Investigations section, some officers are primarily investigators and will take the lead on files recommended for investigation. Investigations remain the priority for those officers, but during low volume periods, they remain available to assist or lead on inspections. Of the 67 investigations opened during the past five years, 51 were referrals from the Inspections.

Intelligence

The Intelligence Program has been actively pursuing human sources in this area. There are no large scale projects anticipated for the coming year. Currently ongoing work will continue. However, the Intelligence section may require tactical resources during the current fiscal. That determination will be made later when all the raw data has been evaluated and Inspections and/or Investigations will be asked to provide assistance. Laboratory resources may also be needed.

Pacific and Yukon Region (PYR) for FA

Inspection

Regional Context: The coastal geography and significant rivers and streams in the region and the economic importance of the fishery in PYR generate a large amount of inspection activity under the *Fisheries Act*. Sectors and activities subject to subsection 36(3) in PYR include the petroleum and chemical industry, forestry, agriculture, mining, manufacturing and food processing. Specific examples of installations that may be subject to this provision include bulk plant distribution centres, log sorting facilities, logging camps and sawmills, hog and dairy operations, placer mining installations, metal fabricators, ready mix operations, and blueberry and mushroom processing plants.

PYR receives a significant number of referrals from partner agencies, Department of Fisheries and Oceans (DFO), Ministry of Water, Land and Air Protection (MWLAP), Provincial Emergencies Program (PEP), and the public. The federal provincial spill



reporting network also generates thousands of occurrences every year primarily related to spills into storm sewers and discharge into fish bearing waters.

In PYR enforcement receives over 1,000 Dangerous Goods Incident Reports (DGIR's) annually from the regional Environmental Emergencies office, for review and response. The majority of referrals are spill incidents that may be violations of the *Fisheries Act*. In BC there is over 2500 kilometres of marine coastline which generates marine oil spill incident reports and also the public has a very high sensitivity to environmental issues consequently which generates a large number of incident reports. The Provincial Emergency Program refers over 5,000 DGIR's to Environment Canada annually.

Regional Plan: The region has taken a proactive approach, targeting a number of geographic areas and sector based activities, such as: automotive repair facilities, electroplating shops, log sort facilities and sawmills, food processing plants, and various agricultural activities. The region has also taken a proactive targeted approach by inspecting industrial facilities that are impacting a single watershed, including auto wreckers, wood waste sites, non MMER mines and agricultural facilities. Work in those areas will continue in fiscal year 2008-09. All of inspection files initiated in 2007-08 have been completed.

Inspections in response to occurrences for potential violations of 36(3) of the *Fisheries Act* are generally associated with domestic, commercial and industrial facilities. Review and response to significant incident reports referred from EC Emergencies, DFO, WLAP and the general public through the Dangerous Goods Incident Reports (DGIR) System, District Office reports (100 DGIR's per year), and direct referrals will continue.

Planned inspections will include:

- a) field inspections to respond to potential pollution sources that impact fish-bearing waters for the purpose of verifying compliance with the general provision, and respond to referrals, tips and complaints;
- b) inspections of high risk boat hull maintenance facilities in BC in Phase II of the three-year program developed and delivered jointly with the EC Program;
- c) review, evaluation and response to significant incidents of subsection 36(3) violation reports, where there is a high risk of damage to fish and fish habitat;
- d) coastal inspection project targeting commercial facilities in a multi-regulatory strategy in the north coastal areas and the NW area of Vancouver Island;
- e) non-MMER Mines. There are approximately 200 closed and abandoned mines in BC. Of the 200, 50 to 100 priority mines have been identified as priority;
- f) coal bed methane has become an issue in the coal belt region north of Fernie. One particular facility requires continued assessment as sampling of waste water



that is discharged to a river indicated potentially deleterious substances and potential acute toxicity;

- g) potential collateral inspections will include *Storage Tanks systems for Petroleum Products and Allied Petroleum Products Regulations*, EIHWHRMR, PPER, MMER;
- h) inspections will be done on three (3) Fish Processing Plants in the Prince Rupert North Coast area as part of the NEP priority;
- i) inspections will be done on selected Cruise Ships >100 passengers that enter the Prince Rupert Port area.

In addition, the projected 200 occurrences may result in generating 200 off-site inspections.

Investigation

So far, PYR Investigations has conducted 56 investigations for violations of the *Fisheries Act*. A total of 15 were still open as of the beginning of the current fiscal year.

Intelligence

No major intelligence probes have been conducted in this area in the past. It is anticipated that PYR Intelligence will be providing tactical support to Inspections in the form of gathering information for specific operations such as the Northern Vancouver Island Coastal Inspection operation.



NP#4 – SOLVENT DEGREASING REGULATIONS

Introduction: The *Solvent Degreasing Regulations* regulates the release of trichloroethylene (TCE) and tetrachloroethylene (PERC) into the environment. TCE has been declared toxic to human health and the environment under CEPA. Non-compliance with this Regulation may result in an increased release of these substances into the environment, resulting in potential health and environmental damage.

The number of known regulatees has been declining since the coming into force of this Regulation. Potential and unknown regulatees are identified by analysis of annual sales reports submitted pursuant to Section 8(a) of these Regulations. However, a 65% regulated reduction in consumption units (CU) was issued in 2007. Therefore, all current regulatees and past regulatees that no longer receive CU's are at high risk of exceeding the 1000 kg threshold or their new regulated limits in their CUs (also for subsequent years), particularly ones that had high consumption units. Some companies may not even be aware of this reduction, even if they were notified in advance by the CPPD.

Coming into force date

The *Solvent Degreasing Regulation* came into force on July 24, 2003.

Summary: The purpose of the *Solvent Degreasing Regulations* is to reduce releases of trichloroethylene (TCE) and tetrachloroethylene (PERC) into the environment from solvent degreasing facilities using more than 1000 kilograms of TCE and PERC per year. Because of their volatility, it is estimated that close to 100 per cent of all TCE and PERC used in solvent degreasing are eventually released to the atmosphere. The Regulation is intended to reduce annual TCE and PERC use by solvent degreasing operations and will result in an overall emission reduction of these substances

Historical National Priority (past five years)

2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
NO	NO	NO	NO	NO



Summary of Inspection Focus

NP#4 –SOLVENT DEGREASING REGULATIONS			
Region	Estimated Size of the Regulated Community	Inspection Type	Number of Planned Inspections
National	82	On-site Inspections	75
		Off-site Inspections	57
		Total	132
Atlantic	5	On-site Inspections	3
		Off-site Inspections	5
		<i>Total</i>	8
Quebec	32	On-site Inspections	25
		Off-site Inspections	5
		<i>Total</i>	30
Ontario	30	On-site Inspections	30
		Off-site Inspections	30
		<i>Total</i>	60
Prairie & Northern	7	On-site Inspections	7
		Off-site Inspections	7
		<i>Total</i>	14
Pacific & Yukon	8	On-site Inspections	10
		Off-site Inspections	10
		<i>Total</i>	20



Atlantic Region (AR) for SDR

Inspection

Regional Context: The regulated community in AR consists of only 2 users, 2 sellers and 1 user that does not have consumption units. No joint inspections are planned with the provincial government.

This Regulation is closely watched by the EC program lead in the region, as there are very few regulated facilities and little awareness of the regulation outside of EC. Compliance Promotion is provided by the national EC Program and consists essentially of annual reminders. The provinces have no regulation controlling activities with those substances.

Regional Plan: Inspections will focus on regulatees that have been issued consumption allowances and a regulatee that has received a WL in the past for using over 1000 kg of TCE without having a consumption allowance. No collateral inspections are planned. A total of 4 off-site and 5 on-site inspections will be done. All previously opened SDR inspection files have been closed.

Investigation

No investigation files have been initiated under this Regulation in the previous five fiscal years. All referrals from Inspections, Intelligence or other sources will be evaluated for sufficiency of evidence and possible due diligence defences. Inspections and non-enforcement staff will be engaged to determine the extent of facility or industry compliance. Individual offences will be evaluated and if prosecution is recommended the file will be submitted to the Public Prosecution Service.

Intelligence

Several years ago, Intelligence reviewed the sector to identify unknown regulatees. No additional regulatees have been found since then. There is no requirement at this time for Intelligence to be involved in this Regulation.

Quebec Region (QR) for SDR

Inspection

Regional Context: In Quebec, there are only approximately 30 sites subject to these Regulations. Since the Regulations are relatively new, no problems have yet been identified. During the 2007-08 fiscal year, a 65% reduction in the use of TCE and PERC will be in effect. Problematic cases identified by Headquarters will be sent to the region for inspection and, if applicable, for enforcement.



In the regulated community, 24 companies use more than 1,000 kg and there are eight (8) distributors.

It should be noted that there are no plans for joint inspections with representatives of the Government of Quebec.

Since the Regulations went into effect, all files are sent by Programs at Headquarters.

There are no particularities distinguishing the Quebec Region from other regions of Canada.

In the Quebec Region, regulatory support comes from Programs at Headquarters.

All inspections initiated in 2007-08 were completed.

Regional Plan: Eight on-site inspections of users or suppliers are planned and will be used to check the 2006 use of degreasing solvent.

During the current fiscal year, emphasis will be placed on files sent to us from program administration while applying the enforcement procedure issued on 16 July 2008, by inspecting regulated facilities that exceed the quantity of solvent permitted by their allocated consumption units.

Few collateral inspections are planned. The vast majority of facilities subject to the Regulations are in the Montréal metropolitan region.

The number of inspections was determined based on available human resources in the region, taking into account that these regulations are a national priority.

Investigation

No file has been transferred for investigation since the *Solvent Degreasing Regulations* went into effect. As with the other priority regulations, investigation recommendations pertaining to enforcing these regulations will be given priority in terms of analysis and assignment.

Intelligence

Support will be provided in identifying those involved in illegal activities under this Regulation. Also support may be required for investigation of violations.



Ontario Region (OR) for SDR

Inspection

Regional Context: OR holds a significant proportion of the community regulated under the *Solvent Degreasing Regulations*. Of the 116 regulatees (Sellers and Users) reporting nationwide in 2006, 69 (59%) are located in OR. For the 2007 reporting year there are a total of 28 regulatees who were issued consumption units for solvent degreasing in OR. There are 24 sellers who reported sales of regulated solvent for use in degreasing in OR in 2007. It is likely that there are other regulatees captured under the SDR who are either not reporting, or who operate below the 1000 kg threshold.

There is no plan to work collaboratively with the Province of Ontario on this Regulation at this time. Consultation may be made to corroborate provincial waste disposal data (spent solvent) with reported solvent use. OR has so far not received any referral from the Provincial environmental counterparts. However, referrals from within the regulated community may be anticipated.

A total of 13-16 referrals per year are usually received from EC Program. It is anticipated that this number will be much lower for the 2008-09 inspection year, as there are fewer regulatees, and most now have more experience in reporting under this Regulation. EC Program continues to be a valuable source of technical information and support to Enforcement. In May 2008, 18 OR enforcement officers attended a half-day workshop on this Regulation, which revealed to be very informative.

Regional Plan: All regulatees who were either issued consumption units for the 2007 reporting year or who retired consumption units for the 2007 reporting year will be subject to an on-site inspection in fiscal year 2008-09. A total of 30 on-site inspections is anticipated, and these will focus on verifying inventory records, purchase records and sellers' reports to ensure they match with the figures in the 2007 annual users' reports. In addition, approximately 30 off-site inspections should be done. This number is based on past year's experience with this Regulation. A total of three (3) files which were initiated in 2007-08 will need to be pursued in 2008-09.

Some SDR regulatees are also captured under other CEPA regulations or instruments such as the National Pollutant Release Inventory (NPRI), the EIHWHMR, the proposed VOC Regulations, and Chromium and Electroplating Regulations. OR has not done collateral inspections with respect to the SDR to date, but given the opportunities that exist, collateral inspections will be given consideration in 2008-09 should capacity allow.

Investigation

OR has conducted 1 investigation under this Regulation over the past five years. That file originated from Inspections and is still open. As this has been identified as a national priority Regulation, any future referral to investigations will be given a priority status.



Intelligence

Past probing activity under this Regulation has identified one regulatee alleged to be selling contaminated PERC. The company owner was found to be connected to a German company which imports PERC from Romania. Unfortunately, the probe was discontinued due to policy change on surveillance. As new information has been collected on this file, the intelligence probe will be reactivated. No tactical support is anticipated in 2008-09.

Prairie and Northern Region (PNR) for SDR

Regional Context: In PNR, the SDR regulated sector is small, consisting of only seven (7) known regulatees. The regulations are given priority status in terms of inspection. The limits in the regulations are being significantly reduced this year which will result in the need to inspect all of the known facilities. There are no known regulated industries in NT and Saskatchewan. The inspection sites in Manitoba and Alberta are determined based on information provided in the EC Program's database.

Program support in terms of compliance promotion and expert support to EED under this Regulation is generally high in PNR.

Regional Plan: In 2007-08 fiscal year, the SDR was considered as a regional inspection priority since starting January 1, 2007, the consumption units allowance for each degreasing facility decreased by 65% of the values first issued. As a result, two (2) facilities in AB and two (2) in Manitoba were inspected. All four (4) files have been closed. In 2008-09, PNR plans to inspect all seven (7) facilities that comprise the regional regulated community. In accordance with regional work plans, officers will examine the annual reports in order to identify companies that have exceeded their allotted Consumption Units. Companies that exceed the allocation by over 1000 kg and companies that have no allocation will be a priority for a follow-up on-site inspection. As a general rule, exceedances will generate an on-site inspection to verify whether there is a violation and to determine the cause of the exceedances, as per the national procedure.

In regards to Notices of non-compliance, once processed by EC Program staff, an advisory e-mail is sent to the regional enforcement lead(s) for this Regulation, for appropriate follow-up. The information is usually provided in the database, which is organized by region. In addition, periodic e-mails are sent to all regions when there is knowledge of significant SDR events.

Investigation

In the last five years, eight (8) inspections were completed and none were referred to Investigations. Three (3) of those resulted in the issuance of warning letters. For the 2008-09 year, files of non-compliance will be reviewed and responses will be consistent with the established policies. Files will be referred to Investigations as required. In PNR,



all officers are inspectors and investigators, which creates a very efficient system for the timely transfer of files from Inspections to Investigations.

Intelligence

There have been no previous intelligence probes conducted under this Regulation and none are anticipated for 2008-09.

Pacific and Yukon Region (PYR) for SDR

Inspection

Regional Context: In PYR, there are eight (8) industrial and commercial facilities that are subject to this Regulation. All current regulatees that no longer receive consumption units are at high risk of exceeding the 1000 kg threshold or their new regulated limits for consumption units.

There are no plans to work with the province in conducting inspections and PYR has not received referrals from Provincial environmental counterparts under this Regulation. Referrals usually originate from EC Program. Since the coming into force of this Regulation, PYR has received 4 notices of non-compliance.

There is no regional compliance promotion activities planned for 2008-09 in PYR under this Regulation. Regional compliance promotion activities were carried out in September 2003 at the time SDR came into effect (CGII). Since then, annual reporting and other compliance deadline reminders have been mailed out nationally by EC Program.

Regional Plan: All SDR regulated facilities will be inspected this fiscal year, as none of the facilities have been the subject of compliance verifications to date in PYR. Annual reports for all SDR regulated facilities will also be examined, and inspections will be conducted in cases where there is a declaration of an exceedances of allotted consumption units, or any information indicating an exceedance over 1000 kg from companies with no allotted consumption units. Collaboration from the regional Program staff and CEPA Analyst will be sought. All inspection files initiated in 2007-08 have been completed.

Investigation

No investigations were opened in the previous five fiscal years under this Regulation. A well established procedure exists in PYR for the transfer of files between Intelligence, Inspections and Investigations. This protocol is outlined below.

Inspections referral to Investigations

If an Enforcement Officer (EO) conducting an on-site inspection finds evidence of a minor violation, and the appropriate enforcement response would be to issue a warning or a



ticket for that violation, the officer may continue to inspect generally for compliance with the law in the same area, or elsewhere at the location. It is the responsibility of the EO to deal with minor violations with appropriate enforcement responses. If an EO finds evidence of a serious violation, and also has reasonable grounds to believe that further evidence of the violation may exist, and the officer decides to continue to look for more evidence, at this point the inspection is concluded and an investigation has commenced.

As soon as an EO has reasonable grounds to believe that a serious violation has occurred, they automatically begin conducting an initial investigation to ensure that time sensitive evidence is not lost. It is the responsibility of the EO to ensure that the alleged violator's charter rights are respected, and the EO must follow the well established rules of scene preservation, notebook maintenance, and evidence collection and management to ensure valuable evidence will be retained, and any future investigation or prosecution will have an increased likelihood of success.

After the conclusion of the initial investigation, the EO will consult with the Manager of Inspections, who, if the facts warrant, will approve the referral of the case to Investigations. The EO must compile all relevant information such as inspection reports, compliance documents, statements, photos, compliance history etc. into a case file for transfer. The referral process is started using the Approval/Notification Tab in NEMISIS by the EO sending a Bring Forward to the Manager of Inspections using the "Recommend to Investigation" Measure/Activity tab. In accordance with the Internal Decision Making Matrix (IDMP), the Manager of Inspections will approve or deny the referral of the file to Investigations. The referral from Inspections to Investigations is made using the Approval/Notification Tab in NEMISIS by the Manager of Inspections to the Manager of Investigations using the "Recommend to Investigation" Measure/Activity tab. A copy of this recommendation and inspection report is sent via e-mail to the Manager of Investigations requesting a meeting to discuss.

Consultation then occurs between the originating case officer and the Managers of Inspections and Investigations. In accordance with the IDMP, the Manager of Investigations will approve or deny the initiation of an investigation. The Manager of Investigations may recommend another enforcement action such as a direction or EPCO. If approved, the Manager of Investigations will open a file and assign an Investigator. The initial EAB is completed by the case Investigator who is responsible for updates to the EAB as the Investigation progresses.

Intelligence referral to Investigations:

If after conducting probes, surveillance, open and closed source review etc., an Intelligence officer or analyst has reasonable grounds to believe an offence has been committed, they will consult with the Intelligence Manager, who, if the facts warrant, will approve the referral of the case to Investigations. The Intelligence officer or analyst must compile all relevant information such as tactical intelligence as well as the means used to obtain it into an Intelligence report summarizing the file. The referral process is started using the Approval/Notification Tab in NEMISIS by the IO sending a Bring Forward to the Manager of Intelligence using the "Recommend to Investigation" Measure/Activity tab.



Consultation then occurs between the original case officer and the Managers of Intelligence and Investigations. In accordance with the IDMP, the Manager of Investigations will approve or deny the initiation of an investigation. The Manager of Investigations may recommend another course of action such as further analysis or referral to Inspections.

The referral from Intelligence to Investigations is made using the Approval/Notification Tab in NEMISIS by the Manager of Intelligence to the Manager of Investigations using the "Recommend to Investigation" Measure/Activity tab. If approved, the Manager of Investigations will open a file and assign an Investigator. The initial EAB is completed by the case Investigator who is responsible for updates to the EAB as the Investigation progresses. Intelligence continues to provide support to Investigations by gathering further information if warranted.

Intelligence

Intelligence has been working under this Regulation in the past. For instance, they provided support on a CBSA FIRM report which was requested for Dichloromethane. Such support pertaining to CBSA reverse vendor or CBSA FIRM reports for imports of specific solvent degreasing chemicals classified under the Customs Harmonization codes (HS codes) will continue. However, it is anticipated that PYR Intelligence will not be providing much, if any tactical support to Inspections or investigations in this area for fiscal year 2008-09.

MATRICES

2008-2009 National Inspection Summary - National Picture

Regulations, Notices or Provisions of the Acts		National Inspections Per Regions Priorities are in bold					Compliance Verification Activity Planned Inspections		
							Total	On-site	Off-site
TOTAL - All Regulations, Notices or Provisions of the Acts		AR	QR	OR	PNR	PYR	7,197	2,470	4727
<i>Canadian Environmental Protection Act, 1999 (CEPA 1999)</i>									
A.1	Asbestos Mines & Mills Release		6				6	3	3
A.2	Benzene in Gasoline	18	70	20	21	51	180	81	99
A.3	Chlor-Alkali Mercury Release			5			5	5	
A.4	Chlorobiphenyls	10			10		20	8	12
A.5	Contaminated Fuel								
A.6	Disposal at Sea	30	24		2	11	67	39	28
A.7	Environmental Emergency	10	84	15	23		132	60	72
A.8	Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations	25	285	252	53	76	691	531	160
A.9	Export Control List Notification								
A.10	Export of Substances under the Rotterdam Convention								
A.11	Federal Halocarbons, 2003	50	65	154	114	40	423	170	253
A.12	Federal Mobile PCB Treatment & Destruction								
A.13	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products		42				42	2	40
A.14	Fuels Information, No. 1	28	47	17	17	12	121	14	107
A.15	Gasoline				9	27	36	27	9
A.16	Gasoline & Gasoline Blend Dispensing Flow Rate								
A.17	Interprovincial Movement of Hazardous Waste	10			34	6	50	25	25
A.18	Masked Name								
A.19	New Substances Fees Notification			21			21	5	16
A.20	New Substances Notification (Chemicals and Polymers)	2	18		2		22	12	10
A.21	New Substances Notification (Organisms)	1	18		9		28	18	10
A.22	Off-Road Compression-Ignition Engine Emissions			10	4		14	8	6
A.23	Off-Road Small Spark-Ignition Engine Emissions		17	10	3		30	19	11
A.24	On-Road Vehicle and Engine Emissions			10	1		11	5	6
A.25	Ozone-depleting Substances, 1998	10	10	29	27		76	40	36
A.26	PCB Waste Export, 1996								
A.27	Persistence and Bioaccumulation Regulations								
A.28	Phosphorus Concentration								
A.29	Prohibition of Certain Toxic Substances								
A.30	Pulp & Paper Mill Defoamer & Wood Chip	26	32	3	2	4	67	21	46
A.31	Pulp & Paper Mill Effluent Chlorinated Dioxins & Furans	10	108	3		16	137	15	122
A.32	Respecting the Form and Content of an Application for a Permit for Disposal at Sea								
A.33	Secondary Lead Smelter Release			3			3	3	
A.34	Solvent Degreasing	8	30	60	14	20	132	75	57
A.35	Storage of PCB Material	52	131	57	27		267	62	205
A.36	Sulphur in Diesel Fuel	31	38	61	41	68	239	82	157
A.37	Sulphur in Gasoline	18	16	20	20	57	131	63	68
A.38	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements)	83	220	95	160	75	633	262	371
A.30	Tributyltetradecylphosphonium Chloride								
A.40	Vinyl Chloride Release			10			10	2	8
CEPA Inspection Totals		422	1261	855	593	463	3594	1657	1937
CEPA1999 Notices									
B.1	National Pollutant Release Inventory		98	6	21	1	126	36	90
B.2	Issued under ss.46(1), 71, and/or 211				16		16	11	5
B.3	Preparation and Implementation of P-2 Plans		12	20			32	12	20
CEPA Notice Inspection Totals			110	26	37	1	174	59	115
Fisheries Act									
C.1	Chlor-alkali Mercury Liquid Effluent	1					1	1	
C.2	Meat & Poultry Products Plant Liquid Effluent	8			12		20	2	18
C.3	Metal Mining Effluent	27	190	158	160	55	590	79	511
C.4	Petroleum Refinery Liquid Effluent	15	36	118	38	1	208	11	197
C.5	Potato Processing Plant Liquid Effluent	39					39	3	36
C.6	Pulp & Paper Effluent	157	671	160	131	277	1,396	51	1,345
C.7	General Prohibition, Section 36(3)	240	155	90	220	470	1,175	607	568
Fisheries Act Inspection Totals		487	1052	526	561	803	3,429	754	2675



2008-2009 National Inspection Summary - Atlantic Region

Regulations, Notices or Provisions of the Acts		Priority	Compliance Verification Activity Planned Inspections		
			Total	On-site	Off-site
TOTAL - All Regulations, Notices or Provisions of the Acts			909	354	555
Canadian Environmental Protection Act, 1999 (CEPA 1999)					
A.1	Asbestos Mines & Mills Release				
A.2	Benzene in Gasoline		18	15	3
A.3	Chlor-Alkali Mercury Release				
A.4	Chlorobiphenyls		10		10
A.5	Contaminated Fuel				
A.6	Disposal at Sea		30	15	15
A.7	Environmental Emergency		10	10	
A.8	Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations	X	25	20	5
A.9	Export Control List Notification				
A.10	Export of Substances under the Rotterdam Convention				
A.11	Federal Halocarbons, 2003		50	30	20
A.12	Federal Mobile PCB Treatment & Destruction				
A.13	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products				
A.14	Fuels Information, No. 1		28		28
A.15	Gasoline				
A.16	Gasoline & Gasoline Blend Dispensing Flow Rate				
A.17	Interprovincial Movement of Hazardous Waste		10	5	5
A.18	Masked Name				
A.19	New Substances Fees Notification				
A.20	New Substances Notification (Chemicals and Polymers)		2	2	
A.21	New Substances Notification (Organisms)		1	1	
A.22	Off-Road Compression-Ignition Engine Emissions				
A.23	Off-Road Small Spark-Ignition Engine Emissions				
A.24	On-Road Vehicle and Engine Emissions				
A.25	Ozone-depleting Substances, 1998		10	4	6
A.26	PCB Waste Export, 1996				
A.27	Persistence and Bioaccumulation Regulations				
A.28	Phosphorus Concentration				
A.29	Prohibition of Certain Toxic Substances				
A.30	Pulp & Paper Mill Defoamer & Wood Chip		26	14	12
A.31	Pulp & Paper Mill Effluent Chlorinated Dioxins & Furans		10	5	5
A.32	Respecting the Form and Content of an Application for a Permit for Disposal at Sea				
A.33	Secondary Lead Smelter Release				
A.34	Solvent Degreasing	X	8	3	5
A.35	Storage of PCB Material		52	15	37
A.36	Sulphur in Diesel Fuel		31	15	16
A.37	Sulphur in Gasoline		18	15	3
A.38	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements)		83	25	58
A.30	Tributyltetradecylphosphonium Chloride				
A.40	Vinyl Chloride Release				
CEPA Inspection Totals			422	194	228
CEPA 1999 Notices					
B.1	National Pollutant Release Inventory				
B.2	Issued under ss.46(1), 71, and/or 211				
B.3	Preparation and Implementation of P-2 Plans				
CEPA Notice Inspection Totals					
Fisheries Act					
C.1	Chlor-alkali Mercury Liquid Effluent		1	1	0
C.2	Meat & Poultry Products Plant Liquid Effluent		8	2	6
C.3	Metal Mining Effluent	X	27	9	18
C.4	Petroleum Refinery Liquid Effluent		15	3	12
C.5	Potato Processing Plant Liquid Effluent		39	3	36
C.6	Pulp & Paper Effluent		157	12	145
C.7	General Prohibition, ss. 36(3)	X	240	130	110
Fisheries Act Inspection Totals			487	160	327



2008-2009 National Inspection Summary - Quebec Region

Regulations, Notices or Provisions of the Acts		Priority	Compliance Verification Activity Planned Inspections		
			Total	On-site	Off-site
TOTAL - All Regulations, Notices or Provisions of the Acts			2,423	616	1,807
<i>Canadian Environmental Protection Act, 1999 (CEPA 1999)</i>					
A.1	Asbestos Mines & Mills Release		6	3	3
A.2	Benzene in Gasoline		70	5	65
A.3	Chlor-Alkali Mercury Release				
A.4	Chlorobiphenyls				
A.5	Contaminated Fuel				
A.6	Disposal at Sea		24	12	12
A.7	Environmental Emergency		84	24	60
A.8	Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations	X	285	195	90
A.9	Export Control List Notification				
A.10	Export of Substances under the Rotterdam Convention				
A.11	Federal Halocarbons, 2003		65	5	60
A.12	Federal Mobile PCB Treatment & Destruction				
A.13	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products		42	2	40
A.14	Fuels Information, No. 1		47	5	42
A.15	Gasoline				
A.16	Gasoline & Gasoline Blend Dispensing Flow Rate				
A.17	Interprovincial Movement of Hazardous Waste				
A.18	Masked Name				
A.19	New Substances Fees Notification				
A.20	New Substances Notification (Chemicals and Polymers)		18	8	10
A.21	New Substances Notification (Organisms)		18	8	10
A.22	Off-Road Compression-Ignition Engine Emissions				
A.23	Off-Road Small Spark-Ignition Engine Emissions		17	12	5
A.24	On-Road Vehicle and Engine Emissions				
A.25	Ozone-depleting Substances, 1998		10	5	5
A.26	PCB Waste Export, 1996				
A.27	Persistence and Bioaccumulation Regulations				
A.28	Phosphorus Concentration				
A.29	Prohibition of Certain Toxic Substances				
A.30	Pulp & Paper Mill Defoamer & Wood Chip		32	0	32
A.31	Pulp & Paper Mill Effluent Chlorinated Dioxins & Furans		108	0	108
A.32	Respecting the Form and Content of an Application for a Permit for Disposal at Sea				
A.33	Secondary Lead Smelter Release				
A.34	Solvent Degreasing	X	30	25	5
A.35	Storage of PCB Material		131	21	110
A.36	Sulphur in Diesel Fuel		38	6	32
A.37	Sulphur in Gasoline		16	5	11
A.38	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements)		220	105	115
A.30	Tributyltetradecylphosphonium Chloride				
A.40	Vinyl Chloride Release				
CEPA Inspection Totals			1261	446	815
CEPA 1999 Notices					
B.1	National Pollutant Release Inventory		98	18	80
B.2	Issued under ss.46(1), 71, and/or 211				
B.3	Preparation and Implementation of P-2 Plans		12	12	0
CEPA Notice Inspection Totals			110	30	80
Fisheries Act					
C.1	Chlor-alkali Mercury Liquid Effluent				
C.2	Meat & Poultry Products Plant Liquid Effluent				
C.3	Metal Mining Effluent	X	190	30	160
C.4	Petroleum Refinery Liquid Effluent		36	0	36
C.5	Port Alberni Pulp & Paper Effluent				
C.6	Potato Processing Plant Liquid Effluent				
C.7	Pulp & Paper Effluent		671	19	652
C.8	General Prohibition, ss. 36(3)	X	155	91	64
Fisheries Act Inspection Totals			1052	140	912



2008-2009 National Inspection Summary – Ontario Region

Regulations, Notices or Provisions of the Acts		Priority	Compliance Verification Activity Planned Inspections		
			Total	On-site	Off-site
TOTAL – All Regulations, Notices or Provisions of the Acts			1,407	534	873
Canadian Environmental Protection Act, 1999 (CEPA 1999)					
A.1	Asbestos Mines & Mills Release				
A.2	Benzene in Gasoline		20	7	13
A.3	Chlor-Alkali Mercury Release		5	5	0
A.4	Chlorobiphenyls				
A.5	Contaminated Fuel				
A.6	Disposal at Sea				
A.7	Environmental Emergency		15	10	5
A.8	Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations	X	252	227	25
A.9	Export Control List Notification				
A.10	Export of Substances under the Rotterdam Convention				
A.11	Federal Halocarbons, 2003		154	30	124
A.12	Federal Mobile PCB Treatment & Destruction				
A.13	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products				
A.14	Fuels Information, No. 1		17	7	10
A.15	Gasoline				
A.16	Gasoline & Gasoline Blend Dispensing Flow Rate				
A.17	Interprovincial Movement of Hazardous Waste				
A.18	Masked Name				
A.19	New Substances Fees Notification		21	5	16
A.20	New Substances Notification (Chemicals and Polymers)				
A.21	New Substances Notification (Organisms)				
A.22	Off-Road Compression-Ignition Engine Emissions		10	5	5
A.23	Off-Road Small Spark-Ignition Engine Emissions		10	5	5
A.24	On-Road Vehicle and Engine Emissions		10	5	5
A.25	Ozone-depleting Substances, 1998		29	4	25
A.26	PCB Waste Export, 1996				
A.27	Persistence and Bioaccumulation Regulations				
A.28	Phosphorus Concentration				
A.29	Prohibition of Certain Toxic Substances				
A.30	Pulp & Paper Mill Defoamer & Wood Chip		3	3	0
A.31	Pulp & Paper Mill Effluent Chlorinated Dioxins & Furans		3	3	0
A.32	Respecting the Form and Content of an Application for a Permit for Disposal at Sea				
A.33	Secondary Lead Smelter Release		3	3	0
A.34	Solvent Degreasing	X	60	30	30
A.35	Storage of PCB Material		57	7	50
A.36	Sulphur in Diesel Fuel		61	9	52
A.37	Sulphur in Gasoline		20	7	13
A.38	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements)		95	70	25
A.30	Tributyltetradecylphosphonium Chloride				
A.40	Vinyl Chloride Release		10	2	8
CEPA Inspection Totals			855	444	411
CEPA 1999 Notices					
B.1	National Pollutant Release Inventory		6	6	0
B.2	Issued under ss.46(1), 71, and/or 211				
B.3	Preparation and Implementation of P-2 Plans		20	0	20
CEPA Notice Inspection Totals			26	6	20
Fisheries Act					
C.1	Chlor-alkali Mercury Liquid Effluent				
C.2	Meat & Poultry Products Plant Liquid Effluent				
C.3	Metal Mining Effluent	X	158	13	145
C.4	Petroleum Refinery Liquid Effluent		118	6	112
C.5	Port Alberni Pulp & Paper Effluent				
C.6	Potato Processing Plant Liquid Effluent				
C.7	Pulp & Paper Effluent		160	5	155
C.8	General Prohibition, ss. 36(3)	X	90	60	30
Fisheries Act Inspection Totals			526	84	442



2008-2009 National Inspection Summary – Prairie and Northern Region

Regulations, Notices or Provisions of the Acts		Priority	Compliance Verification Activity Planned Inspections		
			Total	On-site	Off-site
TOTAL – All Regulations, Notices or Provisions of the Acts			1,191	424	767
<i>Canadian Environmental Protection Act, 1999 (CEPA 1999)</i>					
A.1	Asbestos Mines & Mills Release				
A.2	Benzene in Gasoline		21	6	15
A.3	Chlor-Alkali Mercury Release				
A.4	Chlorobiphenyls		10	8	2
A.5	Contaminated Fuel				
A.6	Disposal at Sea		2	1	1
A.7	Environmental Emergency		23	16	7
A.8	Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations	X	53	24	29
A.9	Export Control List Notification				
A.10	Export of Substances under the Rotterdam Convention				
A.11	Federal Halocarbons, 2003		114	75	39
A.12	Federal Mobile PCB Treatment & Destruction				
A.13	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products				
A.14	Fuels Information, No. 1		17	2	15
A.15	Gasoline		9	2	7
A.16	Gasoline & Gasoline Blend Dispensing Flow Rate				
A.17	Interprovincial Movement of Hazardous Waste		34	17	17
A.18	Masked Name				
A.19	New Substances Fees Notification				
A.20	New Substances Notification (Chemicals and Polymers)		2	2	0
A.21	New Substances Notification (Organisms)		9	9	0
A.22	Off-Road Compression-Ignition Engine Emissions		4	3	1
A.23	Off-Road Small Spark-Ignition Engine Emissions		3	2	1
A.24	On-Road Vehicle and Engine Emissions		1	0	1
A.25	Ozone-depleting Substances, 1998		27	27	0
A.26	PCB Waste Export, 1996				
A.27	Persistence and Bioaccumulation Regulations				
A.28	Phosphorus Concentration				
A.29	Prohibition of Certain Toxic Substances				
A.30	Pulp & Paper Mill Defoamer & Wood Chip		2	2	0
A.31	Pulp & Paper Mill Effluent Chlorinated Dioxins & Furans				
A.32	Respecting the Form and Content of an Application for a Permit for Disposal at Sea				
A.33	Secondary Lead Smelter Release				
A.34	Solvent Degreasing	X	14	7	7
A.35	Storage of PCB Material		27	19	8
A.36	Sulphur in Diesel Fuel		41	8	33
A.37	Sulphur in Gasoline		20	6	14
A.38	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements)		160	41	119
A.39	Tributyltetradecylphosphonium Chloride				
A.40	Vinyl Chloride Release				
CEPA Inspection Totals			593	277	316
CEPA 1999 Notices					
B.1	National Pollutant Release Inventory		21	11	10
B.2	Issued under ss.46(1), 71, and/or 211		16	11	5
B.3	Preparation and Implementation of P-2 Plans				
CEPA Notice Inspection Totals			37	22	15
Fisheries Act					
C.1	Chlor-alkali Mercury Liquid Effluent				
C.2	Meat & Poultry Products Plant Liquid Effluent		12	0	12
C.3	Metal Mining Effluent	X	160	14	146
C.4	Petroleum Refinery Liquid Effluent		38	1	37
C.5	Port Alberni Pulp & Paper Effluent				
C.6	Potato Processing Plant Liquid Effluent				
C.7	Pulp & Paper Effluent		131	4	127
C.8	General Prohibition, ss. 36(3)	X	220	106	114
Fisheries Act Inspection Totals			561	125	436



2008-2009 National Inspection Summary - Pacific and Yukon Region

Regulations, Notices or Provisions of the Acts	Priority	Compliance Verification Activity Planned Inspections		
		Total	On-site	Off-site
TOTAL - All Regulations, Notices or Provisions of the Acts		1267	542	725
Canadian Environmental Protection Act (CEPA) 1999				
A.1	Asbestos Mines & Mills Release			
A.2	Benzene in Gasoline	51	48	3
A.3	Chlor-Alkali Mercury Release			
A.4	Chlorobiphenyls			
A.5	Contaminated Fuel			
A.6	Disposal at Sea	11	11	
A.7	Environmental Emergency			
A.8	Export and Import of Hazardous Waste and Hazardous Recyclable Materials Regulations	X	76	65
A.9	Export Control List Notification			
A.10	Export of Substances under the Rotterdam Convention			
A.11	Federal Halocarbons, 2003	40	30	10
A.12	Federal Mobile PCB Treatment & Destruction			
A.13	Federal Registration of Storage Tank Systems for Petroleum Products and Allied Petroleum Products			
A.14	Fuels Information, No. 1	12		12
A.15	Gasoline	27	25	2
A.16	Gasoline & Gasoline Blend Dispensing Flow Rate			
A.17	Interprovincial Movement of Hazardous Waste	6	3	3
A.18	Masked Name			
A.19	New Substances Fees Notification			
A.20	New Substances Notification (Chemicals and Polymers)			
A.21	New Substances Notification (Organisms)			
A.22	Off-Road Compression-Ignition Engine Emissions			
A.23	Off-Road Small Spark-Ignition Engine Emissions			
A.24	On-Road Vehicle and Engine Emissions			
A.25	Ozone-depleting Substances, 1998			
A.26	PCB Waste Export, 1996			
A.27	Persistence and Bioaccumulation Regulations			
A.28	Phosphorus Concentration			
A.29	Prohibition of Certain Toxic Substances			
A.30	Pulp & Paper Mill Defoamer & Wood Chip	4	2	2
A.31	Pulp & Paper Mill Effluent Chlorinated Dioxins & Furans	16	7	9
A.32	Respecting the Form and Content of an Application for a Permit for Disposal at Sea			
A.33	Secondary Lead Smelter Release			
A.34	Solvent Degreasing	X	20	10
A.35	Storage of PCB Material			
A.36	Sulphur in Diesel Fuel	68	44	24
A.37	Sulphur in Gasoline	57	30	27
A.38	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements)	75	21	54
A.39	Tributyltetradecylphosphonium Chloride			
A.40	Vinyl Chloride Release			
CEPA Inspection Totals		463	296	167
CEPA 1999 Notices				
B.1	National Pollutant Release Inventory	1	1	
B.2	Issued under ss.46(1), 71, and/or 211			
B.3	Preparation and Implementation of P-2 Plans			
CEPA Notice Inspection Totals		1	1	
Fisheries Act				
C.1	Chlor-alkali Mercury Liquid Effluent			
C.2	Meat & Poultry Products Plant Liquid Effluent			
C.3	Metal Mining Effluent	X	55	13
C.4	Petroleum Refinery Liquid Effluent		1	
C.5	Port Alberni Pulp & Paper Effluent			
C.6	Potato Processing Plant Liquid Effluent			
C.7	Pulp & Paper Effluent		277	11
C.8	General Prohibition, Section 36(3)	X	470	220
Fisheries Act Inspection Totals		803	245	558



Attachment A: National Priorities for the Last Fives years Les priorités nationales des cinq dernières années

National priorities for the last five years 2007/2008	Les priorités nationales des cinq dernières années 2007/2008
<ul style="list-style-type: none"> Export and Import of Hazardous Wastes and Hazardous Recyclable Materials Regulations Federal Halocarbons Regulations, 2003 Fuels Regulations (5) Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations Fisheries Act, General prohibition s. 36 (3) 	<ul style="list-style-type: none"> Règlement sur l'exportation et l'importation des déchets dangereux et de matières recyclables dangereuses Règlement fédéral sur les halocarbures (2003) Règlements sur les combustibles et carburants (5) Règlement sur le tétrachloroéthylène (utilisation pour le nettoyage à sec et rapports) Loi sur les pêches, Interdiction générale, par. 36 (3)
2006/2007	2006/2007
<ul style="list-style-type: none"> Export and Import of Hazardous Wastes and Hazardous Recyclable Materials Regulations Federal Halocarbons Regulations, 2003 Fuels Regulations (5) Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations Fisheries Act, General prohibition s. 36 (3) Metal Mining Effluent Regulations Pulp and Paper Effluent Regulations 	<ul style="list-style-type: none"> Règlement sur l'exportation et l'importation des déchets dangereux et de matières recyclables dangereuses Règlement fédéral sur les halocarbures (2003) Règlements sur les combustibles et carburants (5) Règlement sur le tétrachloroéthylène (utilisation pour le nettoyage à sec et rapports) Loi sur les pêches, Interdiction générale, par. 36 (3) Règlement sur les effluents des mines et métaux Règlements sur les effluents des fabriques de pâtes et papiers
2005/2006	2005/2006
<ul style="list-style-type: none"> Export and Import of Hazardous Wastes Regulations Federal Halocarbons Regulations, 2003 Fuels Regulations (5) Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations Fisheries Act, General prohibition s. 36 (3) Metal Mining Effluent Regulations Pulp and Paper Effluent Regulations 	<ul style="list-style-type: none"> Règlement sur l'exportation et l'importation des déchets dangereux Règlement fédéral sur les halocarbures (2003) Règlements sur les combustibles et carburants (5) Règlement sur le tétrachloroéthylène (utilisation pour le nettoyage à sec et rapports) Loi sur les pêches, Interdiction générale, par. 36 (3) Règlement sur les effluents des mines et métaux Règlements sur les effluents des fabriques de pâtes et papiers
2004/2005	2004/2005
<ul style="list-style-type: none"> Fuels Regulations (5) Export and Import of Hazardous Wastes Regulations Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations Fisheries Act, General prohibition s. 36 (3) Metal Mining Effluent Regulations 	<ul style="list-style-type: none"> Règlements sur les combustibles et carburants (5) Règlement sur l'exportation et l'importation des déchets dangereux Règlement sur le tétrachloroéthylène (utilisation pour le nettoyage à sec et rapports) Loi sur les pêches, Interdiction générale, par. 36 (3) Règlement sur les effluents des mines et métaux
2003/2004	2003/2004
<ul style="list-style-type: none"> New Substances Notification Fuels regulations (7) Export & Import of Hazardous Wastes Metal Mining Effluent Regulations Fisheries Act, General prohibition s. 36 (3) 	<ul style="list-style-type: none"> Règlement sur les renseignements concernant les substances nouvelles Règlements sur les combustibles et carburants (7) Règlement sur l'exportation et l'importation des déchets dangereux Règlement sur les effluents des mines et métaux Loi sur les pêches, Interdiction générale, par. 36 (3)



**Attachment B : Acts, Regulations, Notices and provisions covered in the 2008-2009
National Enforcement Plan
Lois, Règlements, Avis et Dispositions visés par le Plan d'application de
la loi 2008-2009**

**A. CANADIAN ENVIRONMENTAL PROTECTION ACT (CEPA 1999) REGULATIONS /
LES RÈGLEMENTS DE LA LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT
(LCPE 1999)**

	REGULATION / RÈGLEMENT	NUMBER/NUMÉRO
A.1.	Asbestos Mines and Mills Release Regulations <i>Règlement sur le rejet d'amiante par les mines et usines d'extraction d'amiante</i>	SOR/DORS/90-341 SOR/DORS/2000-102
A.2.	Benzene in Gasoline Regulations <i>Règlement sur le benzène dans l'essence</i>	SOR/DORS/97-493 SOR/DORS/99-204 SOR/DORS/2000-102 SOR/DORS/2003-318 SOR/DORS/2004-252
A.3.	Chlor-Alkali Mercury Release Regulations <i>Règlement sur le rejet de mercure par les fabriques de chlore</i>	SOR/DORS/90-130 SOR/DORS/2000-102
A.4.	Chlorobiphenyls Regulations <i>Règlement sur les biphényles chlorés</i>	SOR/DORS/91-152 SOR/DORS/2000-102
A.5.	Contaminated Fuel Regulations <i>Règlement sur les combustibles contaminés</i>	SOR/DORS/91-486 SOR/DORS/2000-102
A.6.	Disposal at Sea Regulations <i>Règlement sur l'immersion en mer</i>	SOR/DORS/2001-275 SOR/DORS/2003-295
A.7.	Environmental Emergency Regulations <i>Règlement sur les urgences environnementales</i>	SOR/DORS/2003-307
A.8.	Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations <i>Règlement sur l'exportation et l'importation de déchets dangereux et de matières recyclables dangereuses</i>	SOR/DORS/2005-149
A.9.	Export Control List Notification (Export Control Substances) Regulations <i>Règlement sur le préavis d'exportation (substances d'exportation contrôlée)</i>	SOR/DORS/2000-108
A.10.	Export of Substances under the Rotterdam Convention Regulations <i>Règlement sur l'exportation de substances aux termes de la Convention de Rotterdam</i>	SOR/DORS/2002-317 SOR/DORS/2005-149
A.11.	Federal Halocarbon, 2003 Regulations <i>Règlement fédéral sur les halocarbures (2003)</i>	SOR/DORS/2003-289
A.12.	Federal Mobile PCB Treatment and Destruction Regulations <i>Règlement fédéral sur le traitement et la destruction des BPC au moyen d'unités mobiles</i>	SOR/DORS/90-5 SOR/DORS/2000-105
A.13.	Federal Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations	SOR/DORS/97-10 SOR/DORS/2000-105



	REGULATION / RÈGLEMENT	NUMBER/NUMÉRO
	<i>Règlement sur les systèmes de stockage de produits pétroliers et de produits apparentés</i>	SOR/DORS/2008-184
A.14.	Fuels Information Regulations, No. 1 <i>Règlement concernant les renseignements sur les combustibles, No. 1</i>	CRC, Vol. IV, c. 407 SOR/DORS/2000-104
A.15.	Gasoline Regulations <i>Règlement sur l'Essence</i>	SOR/DORS/90-247 SOR/DORS/2000-104 SOR/DORS/2003-106
A.16.	Gasoline and Gasoline Blend Dispensing Flow Rate Regulations <i>Règlement sur le débit de distribution de l'essence et de ses mélanges</i>	SOR/DORS/2000-43
A.17.	Interprovincial Movement of Hazardous Waste Interprovincial Regulations <i>Règlement sur les mouvements interprovinciaux des déchets dangereux</i>	SOR/DORS/2002-301
A.18.	Masked Name Regulations <i>Règlement sur les dénominations maquillées</i>	SOR/DORS/94-261 SOR/DORS/2000-101
A.19.	New Substances Fees Regulations <i>Règlement sur les droits concernant les substances nouvelles</i>	SOR/DORS/2002-374 SOR/DORS/2005-286
A.20.	New Substances Notification Regulations (Chemicals and Polymers) <i>Règlement sur les renseignements concernant les substances nouvelles (substances chimiques et polymères)</i>	SOR/DORS/2005-247
A.21.	New Substances Notification Regulations (Organisms) <i>Règlement sur les renseignements concernant les substances nouvelles (organismes)</i>	SOR/DORS/2005-248
A.22.	Off-Road Compression-Ignition Engine Emission Regulations <i>Règlement sur les émissions des moteurs hors route à allumage par compression</i>	SOR/DORS/2005-32
A.23.	Off-Road Small Spark-Ignition Engine Emission Regulations <i>Règlement sur les émissions des petits moteurs hors route à allumage commandé</i>	SOR/DORS/2003-355
A.24.	On-Road Vehicle and Engine Emission Regulations <i>Règlement sur les émissions des véhicules routiers et de leurs moteurs</i>	SOR/DORS/2003-2
A.25.	Ozone-depleting Substances Regulations, 1998 <i>Règlement sur les substances appauvrissant la couche d'ozone (1998)</i>	SOR/DORS/99-7 SOR/DORS/2000-102 SOR/DORS/2001-2 SOR/DORS/2002-100 SOR/DORS/2004-315 SOR/DORS/2007-129)
A.26.	PCB Waste Export Regulations, 1996 <i>Règlement sur l'exportation de déchets contenant des BPC (1996)</i>	SOR/DORS/97-109
A.27.	Persistence and Bioaccumulation Regulations <i>Règlement sur la persistance et la bioaccumulation</i>	SOR/DORS/2000-107



	REGULATION / RÈGLEMENT	NUMBER/NUMÉRO
A.28.	Phosphorus Concentration Regulations <i>Règlement sur la concentration de phosphore</i>	SOR/DORS/89-501 SOR/DORS/2000-106
A.29.	Prohibition of Certain Toxic Substances Regulations, 2005 <i>Règlement sur certaines substances toxiques interdites (2005)</i>	SOR/DORS/2005-41 SOR/DORS/2006-279
A.30	Pulp and Paper Mill Defoamer and Wood Chip Regulations <i>Règlement sur les additifs antimousses et copeaux de bois utilisés dans les fabriques de pâtes et papiers</i>	SOR/DORS/92-268 SOR/DORS/2000-102
A.31.	Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations <i>Règlement sur les dioxines et les furannes chlorés dans les effluents des fabriques de pâtes et papiers</i>	SOR/DORS/92-267 SOR/DORS/2000-102
A.32.	Respecting Applications for Permits for Disposal at Sea <i>Règlement sur les demandes de permis pour l'immersion en mer</i>	SOR/DORS/2001-276
A.33.	Secondary Lead Smelter Release Regulations <i>Règlement sur le rejet de plomb de seconde fusion</i>	SOR/DORS/91-155 SOR/DORS/2000-102
A.34.	Solvent Degreasing Regulations <i>Règlement sur les solvants de dégraissage</i>	SOR/DORS/2003-283
A.35.	Storage of PCB Material Regulations <i>Règlement sur le stockage des matériels contenant des PBC</i>	SOR/DORS/92-507 SOR/DORS/2000-102
A.36.	Sulphur in Diesel Fuel Regulations <i>Règlement sur le soufre dans le carburant diesel</i>	SOR/DORS/2002-254 SOR/DORS/2005-305 SOR/DORS/2006-163
A.37.	Sulphur in Gasoline Regulations <i>Règlement sur le soufre dans l'essence</i>	SOR/DORS/99-236 SOR/DORS/2000-104 SOR/DORS/2003-319
A.48.	Tetrachloroethylene (Use in Dry Cleaning and Reporting Requirements) Regulations <i>Règlement sur le tétrachloroéthylène (utilisation pour le nettoyage à sec et rapport</i>	SOR/DORS/2003-79
A.39.	Tributyltetradecylphosphonium Chloride Regulations <i>Règlement sur le chlorure de Tributyltétradécylphosphonium</i>	SOR/DORS/2000-66 SOR/DORS/2000-102
A.40.	Vinyl Chloride Release Regulations, 1992 <i>Règlement sur le rejet de chlorure de vinyle (1992)</i>	SOR/DORS/92-631 SOR/DORS/2000-102



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Chromium Electroplating, Chromium Anodizing and Reverse Etching Regulations <i>Règlement sur l'électrodéposition du chrome, l'anodisation au chrome et la gravure inversée</i>	New Regulations/Projet de règlement CGII** – Sept 2008
Disposal at Sea Regulations (+ Ocean Dumping Permit Fees Regulations under the Fisheries Act) <i>Règlement sur l'immersion en mer (+ Permis d'immersion en vertu de la Loi sur les pêches)</i>	Amendment/Modification CGI* – Nov 2007 CGII – June 2008/Juin 2008
Environmental Emergency Regulations <i>Règlement sur les urgences environnementales</i>	Amendment/Modification CGI – June 2007-11-09/ Juin 2007-11-09 CGII – Dec 2008
Interprovincial Movement of Hazardous Waste and Hazardous Recyclable Materials Regulations <i>Règlement sur les mouvements interprovinciaux des déchets dangereux et matières recyclables dangereuses</i>	Amendment/modification CGII – May 2008/Mai 2008
Marine Spark-Ignition Engine and Off-Road Recreational Vehicle Emission Regulations <i>Règlement sur les émissions des moteurs nautiques à allumage commandé et des véhicules récréatifs hors route</i>	New Regulations/projet de règlement CGII – June 2008/Juin 2008
Mercury in Products Regulations	New Regulations/projet de règlement 2008-2009 (no date set)
Prohibition of Certain Toxic Substances Regulations <i>Règlement sur certaines substances toxiques interdites</i>	Amendments/Modifications: CGII – March 2008/mars 2008
Off-Road Compression-Ignition Engine Emission Regulations <i>Règlement sur les émissions des moteurs hors route à allumage par compression</i>	Amendment/Modification CGI – Oct 2008
On-Road Vehicle and Engine Emissions Regulations <i>Règlement sur les émissions des véhicules routiers et de leurs moteurs</i>	Amendment/Modification CGI – Oct 2008
PCB Regulations (The proposed Regulations will consolidate the current Chlorobiphenyls Regulations and the Storage of PCB Material Regulations, and will also revoke and replace the said Regulations) <i>Règlement sur le BPC (Le projet de Règlement consolidera l'actuel Règlement sur les biphényles chlorés et le Règlement sur le stockage des matériels contenant des BPC, et il abrogera et remplacera ces deux règlements.</i>	New Regulations/projet de règlement CGI – Nov 2006 CGII – Sept 2008
Regulations Limiting Volatile Organic Compounds (VOC) Content in Architectural Coatings <i>Règlement limitant la concentration en composés organiques volatiles (COV) des revêtements architecturaux</i>	New Regulations/projet de règlement CGI – April 2007/Avril 2007 CGII – Nov 2008



CEPA UPCOMING NEW REGULATIONS AND AMENDMENTS
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Regulations Limiting Volatile Organic Compounds (VOC) Content in Automobile Refinishing Coatings <i>Règlement limitant la concentration en composés organiques volatiles (COV) des produits pour la finition automobile</i>	New Regulations/projet de règlement CGI – April 2007/Avril 2007 CGII – January 2009/Janvier 2009
Regulations Limiting Volatile Organic Compounds (VOC) Content in Consumer Products <i>Règlement limitant la concentration en composés organiques volatiles (COV) de certains produits</i>	New Regulations/projet de règlement CGI – April 2007/Avril 2007 CGII – Nov 2008
Vinyl Chloride Release Regulations, 1992 <i>Règlement de 1992 sur le rejet de chlorure de vinyle</i>	Amendment/modification CGII – Sept 2008

* CGI – Canada Gazette I (publishing) / publication dans la Gazette du Canada, partie 1;

**CGII – Canada Gazette II (publishing) / publication dans la Gazette du Canada, partie II;



B. CEPA 1999 NOTICES / AVIS DE LA LCPE (1999)

	NOTICES / AVIS
B.1	Notices with Respect to the National Pollutant Release Inventory <i>Avis relatif à l'Inventaire national des rejets polluants</i>
B.2	Any Notice issued under ss. 46(1), 56(1), 71, and/or 211 of CEPA 1999 in 2002 <i>Autres avis émis en 2002 en vertu des arts 46(1), 56(1), 71 et/ou 211 de la LCPE (1999)</i>
B.3	Preparation and Implementation of P2 Plan <i>Élaboration et exécution d'un plan P2</i>

CEPA 1999 POLLUTION AND PREVENTION PLAN / PLAN DE PRÉVENTION DE LA POLLUTION DE LA LCPE (1999)

	CEPA POLLUTION AND PREVENTION PLAN / PLAN DE PRÉVENTION DE LA POLLUTION SOUS LA LCPE
B.3.1	Notice Requiring the Preparation and Implementation of Pollution Prevention Plans for Dichloromethane <i>Avis obligeant l'élaboration et l'exécution d'un plan de prévention de la pollution pour le dichlorométhane</i>
B.3.2	Notice Requiring the Preparation and Implementation of Pollution Prevention Plans for Inorganic Chloramines and Chlorinated Wastewater Effluents <i>Avis requérant l'élaboration et l'exécution de plans de prévention de la pollution à l'égard des chloramines inorganiques et des eaux usées chlorées</i>
B.3.3	Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Acrylonitrile <i>Avis obligeant l'élaboration et l'exécution d'un plan de prévention de la pollution à l'égard de l'acrylonitrile</i>
B.3.4	Notice requiring the preparation and implementation of pollution prevention plans in respect of inorganic arsenic compounds, hexavalent chromium compounds, polychlorinated dibenzodioxins, polychlorinated dibenzofurans and/or hexachlorobenzene used by wood preservation facilities <i>Avis obligeant l'élaboration et l'exécution de plans de prévention de la pollution à l'égard des composés inorganiques de l'arsenic, des composés du chrome hexavalent, des dibenzodioxines polychlorées, des dibenzofuranes polychlorés et (ou) de l'hexachlorobenzène utilisés par les installations de préservation du bois</i>
B.3.5	Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Nonylphenol and its Ethoxylates Contained in Products <i>Avis obligeant l'élaboration et l'exécution de plans de prévention de la pollution à l'égard du nonylphénol et de ses dérivés éthoxylés contenus dans des produits</i>



B.3.6	Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in Respect of Nonylphenol and its Ethoxylates Used in the Wet Processing Textile Industry and Effluents From Textile Mills that Use Wet Processing <i>Avis obligeant l'élaboration et l'exécution de plans de prévention de la pollution à l'égard des effluents des usines de textile qui utilisent des procédés de traitement au mouillé et nonylphénol et ses dérivés éthoxylés</i>
B.3.7	Notice Requiring the Preparation and Implementation of Pollution Prevention Plans in respect to Specified Toxic Substances Released from Base Metals Smelters and Refineries and Zinc Plants <i>Avis obligeant l'élaboration et l'exécution de plans de prévention de la pollution à l'égard de certaines substances toxiques émises par les fonderies et affineries de métaux communs et les usines de traitement du zinc</i>

CEPA 1999 Guidelines are available at: <http://www.ec.gc.ca/CEPARRegistry/guidelines/>

Les lignes directrices de la LCPE (1999) sont disponibles à l'adresse suivante:
<http://www.ec.gc.ca/RegistreLCPE/guidelines/>



C. FISHERIES ACT REGULATIONS / LES RÈGLEMENTS DE LA LOI SUR LES PÊCHES

	REGULATION / RÈGLEMENT	NUMBER/NUMÉRO
C.1	Chlor-Alkali Mercury Liquid Effluent Regulations <i>Règlement sur le mercure des effluents de fabriques de chlore</i>	CRC, Vol. VII, c. 811 SOR/DORS/95-427
C.2	Meat and Poultry Products Plant Liquid Effluent - Regulations <i>Règlement sur les effluents liquides de l'industrie de la viande et de la volaille</i>	CRC, Vol. VII, c. 818 SOR/DORS/95-428
C.3	Metal Mining Effluent Regulations <i>Règlement sur les effluents des mines de métaux</i>	SOR/DORS/2002-222 SOR/DORS/2006-239
C.4	Petroleum Refinery Liquid Effluent - Regulations <i>Règlement sur les effluents des raffineries de pétrole</i>	CRC, Vol. VII, c. 828
C.5	Potato Processing Plant Liquid Effluent Regulations <i>Règlement sur les effluents des établissements de transformation de la pomme de terre</i>	CRC, Vol. VII, c. 829 SOR/DORS/95-426
C.6	Pulp and Paper Effluent Regulations <i>Règlement sur les effluents des fabriques de pâtes et papiers</i>	SOR/DORS/92-269 SOR/DORS/96-293 SOR/DORS/99-166 SOR/DORS/2003-3 SOR/DORS/2004-109

FISHERIES ACT / LOI SUR LES PÊCHES

PROHIBITION UNDER THE ACT/INTERDICTION GÉNÉRALE EN VERTU DE LA LOI	
C.7	General Prohibition, Section 36(3) <i>Interdiction générale, paragraphe 36(3)</i>