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

Frequently Asked Questions



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FOREWORD

This document is designed to help persons understand their obligations under Part 4 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999)¹ which may require a person or group of persons to prepare and implement a pollution prevention (P2) plan. It describes, in a question and answer format, how the provisions under Part 4 of the Act are administered and what persons who are required to prepare and implement a plan must do.

This document was prepared primarily for those who are subject to a Pollution Prevention Planning Notice under Part 4 of the *Canadian Environmental Protection Act, 1999*.²

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¹ Canadian Environmental Protection Act, 1999, S.C. 1999, c.33 (CEPA 1999)

² Note: Section 56 of CEPA 1999 specifies that the Minister may publish in the *Canada Gazette*, a Notice requiring any person or class of person to prepare and implement a pollution prevention plan. For the purposes of this document, these requirements are called "Notices".

documents that are referenced by and included within this document.

The guidance contained in this document should be relied upon for general information purposes only and should not be considered to be legal advice and may not reflect all legal requirements of the pollution prevention planning provisions of Part 4 of the *Canadian Environmental Protection Act, 1999*. Should a discrepancy between this document and the Act arise, the latter shall prevail.

For all purposes of interpreting and applying the law, users should consult:

- the Acts as passed by Parliament at www.parl.gc.ca/common/bills.asp?Language=E, which are published in the "Assented to" Acts service, Part III of the *Canada Gazette* at <http://canadagazette.gc.ca/partIII/index-e.html>, and the annual Statutes of Canada;
- the regulations, as registered by the Clerk of the Privy Council and published in Part II of the *Canada Gazette* at <http://canadagazette.gc.ca/partII/index-e.html>; and
- the Notices as published in Part I of the *Canada Gazette* at <http://canadagazette.gc.ca/partI/index-e.html>.

The above-mentioned publications are available in most public libraries.

Environment Canada accepts no responsibility should any damages be caused to a person, directly or indirectly, as a result of the use that is made of

information provided in, or taken from, this document, or as a result of reliance on the information available in this document.

For more information on pollution prevention (P2), P2 planning and Notices please visit the following Web sites:

- Pollution Prevention Planning:
www.ec.gc.ca/cepap2
- Pollution Prevention Success Stories:
www.ec.gc.ca/pp
- Canadian Pollution Prevention Information Clearinghouse:
www.ec.gc.ca/cppic

For questions regarding the information contained in this document, or for other questions concerning the *Canadian Environmental Protection Act, 1999*, Part 4, contact:

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SECTION 1: Understanding Pollution Prevention Planning Notices

1. What is pollution prevention (P2)?

The purpose of pollution prevention (often referred to as P2) is to avoid the creation of pollution and waste, rather than trying to manage the effects after the fact. The *Canadian Environmental Protection Act, 1999* (CEPA 1999) defines pollution prevention as “the use of processes, practices, materials, products, substances or energy that avoid or minimize the creation of pollutants and waste and reduce the overall risk to the environment or human health.” The Act commits the Government of Canada to implementing P2 as a national goal and as the priority approach to environmental protection.

For more information on P2, refer to *The Nuts and Bolts of Pollution Prevention (P2)* fact sheet online at www.ec.gc.ca/cepap2 (under P2 Planning Support Tools).

2. What is a P2 Planning Notice?

A P2 Planning Notice may also be referred to as a “Section 56 Notice” or simply as a “Notice”. A Notice is published in the *Canada Gazette* requiring certain individuals or companies to prepare and implement pollution prevention plans. The Minister of the Environment has the authority to publish P2 Planning Notices (Notices) under section 56 of CEPA 1999.

The Notice specifies who is required to prepare and implement a P2 plan, the activities that must be considered in the plan, and the deadlines for preparing and implementing the plan. The Notice also outlines “factors” that must be considered when a P2 plan is being prepared and implemented. A risk management objective is included as one of the factors to be considered (see question 6 for more information on risk management objectives and question 7 for more information on factors to be considered). The objective of a Notice is usually to manage the environmental and health risks posed by one or more toxic substances listed under CEPA 1999 (referred to as CEPA-toxic substances) by using pollution prevention practices. For more information on CEPA-toxic substances, visit the Management of Toxic Substances Web site at www.ec.gc.ca/toxics and the CEPA Environmental Registry at www.ec.gc.ca/CEPARegistry. For more information on Notices, refer to the *Pollution Prevention Planning in Part 4 of CEPA 1999* fact sheet online at www.ec.gc.ca/cepap2 (under P2 Planning Support Tools).

3. What is a P2 plan?

A P2 plan contains information on the most efficient ways to prevent or minimize the creation or release of pollutants and waste. Developing a P2 plan can help in evaluating options to identify and implement cost-effective approaches for meeting or exceeding regulatory requirements.

Typically, the P2 planning process can be broken down into six key steps:

commitment and policy; baseline review; planning; implementation; monitoring and reporting; and review, evaluation and improvement. For more information on P2 planning, refer to the *Pollution Prevention Planning – The Basics* fact sheet online at www.ec.gc.ca/cepap2 (under P2 Planning Support Tools).

Environment Canada has prepared a model P2 plan to help get you started. It shows how to compile, analyze and present relevant information and it can be found in the *Pollution Prevention Planning Handbook*, also available online at www.ec.gc.ca/cepap2 (under P2 Planning Support Tools).

4. How does Environment Canada develop a P2 Planning Notice?

Environment Canada collaborates with various stakeholders that may include the owner(s) of facilities, their industry associations, Aboriginal peoples, and environmental non-governmental organizations, in order to develop a Notice.

In most cases, a working document, or draft of the Notice is developed by Environment Canada. The working document contains the general parameters of the final Notice and is made available to stakeholders for feedback. After the feedback is received, the working document is updated and published in Part I of the *Canada Gazette* as a Proposed Notice. The Proposed Notice is subject to a 60 day public comment period. It is then updated and published in the *Canada Gazette* as a final Notice. All Notices open to public comment are posted on the CEPA Environmental Registry at www.ec.gc.ca/CEPARegistry/participation.

5. How can I participate in the development of a Proposed P2 Planning Notice?

If the Minister decides that a P2 Planning Notice is needed to manage a CEPA-toxic substance, Environment Canada will invite affected persons, relevant industry associations and other stakeholders to comment on a Proposed Notice. This Proposed Notice will be published in Part I of the *Canada Gazette* and will include a 60-day comment period. Stakeholders may also be asked to participate in discussions on who should prepare P2 plans, which factors should be considered and the timelines for preparing and implementing the plans. For more information on factors to be considered, see question 7.

Anyone with concerns about those subject to a Notice, the risk management objective(s), the factors to be considered, the deadlines, or other issues can provide their comments directly to Environment Canada through the CEPA Environmental Registry at www.ec.gc.ca/CEPARegistry/participation. For more information on risk management objectives, see question 6.

6. What is a risk management objective?

A risk management objective (RMO) is developed by Environment Canada in consultation with stakeholders to manage the environmental and health risks posed by CEPA-toxic substances. The RMO usually differs for each Notice and is one of the factors to be considered in a Notice (see question 7 for more information on factors to be considered).

RMOs are determined by sector or source, and they may include recognition of the risks presented by the substance(s) named in the Notice. Environment Canada considers the nature and extent of the risks and what is feasible (technologies, techniques, alternative processes, and substances) to prevent or reduce those risks. The RMO can be based on expected environmental results from the best available technologies that are economically achievable or it can be based on specific targets. The RMO may be developed through modeling or other methods and, if required, is adjusted by socio-economic, technological or risk factors.

7. What are “factors to be considered”?

Each Notice lists the “factors to be considered”³ for the preparation of a P2 plan. These are the issues or activities that must be addressed in preparing the P2 plan. They may include the risk management objective, current P2 practices, and available technologies. A description of how each factor was addressed when preparing the P2 plan is required in the declarations, and when required, in the interim progress reports. For more information on declarations and reports, see section 4 of this document - Reporting

On request, the Minister may waive the requirement that one or more factors be considered if the Minister is of the opinion that it would not be reasonable or practicable for a person to consider that factor. A person may request that the Minister waive the consideration of a

factor by submitting a *Request for waiver of the requirement to consider a factor or factors* using Schedule 2 of the Notice. For more details regarding waivers, see section 5 – Requesting Waivers and Time Extensions.

8. How will Environment Canada assess the effectiveness of the P2 Planning Notice?

Environment Canada will assess the information gathered in the declarations and reports, and in some cases the actual plans. For more information on declarations and reports, see section 4 of this document - Reporting. Environment Canada will then use the information gathered prior to, during, and after implementation of the P2 plans to help determine whether the Notice has prevented or reduced the risks posed by the substance(s). If there are still outstanding risks associated with the substance(s), or if P2 planning has not achieved the risk management objective (see question 6), Environment Canada may consider using other instruments, such as regulations, to protect the health of humans and the environment.

³ *Supra*, note 1 CEPA 1999, paragraph 56(2)(c)

SECTION 2: Complying with a P2 Planning Notice

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

When developing a Notice, Environment Canada makes extensive efforts to notify potential stakeholders. These efforts often include direct contact (i.e. through mailings) with those that may be subject to a Notice, industry associations, and other stakeholders. In addition, each Notice is published in Part I of the *Canada Gazette* as a Proposed Notice and then published again as a final Notice. Both the Proposed Notice and final Notice are also posted on the CEPA Environmental Registry at www.ec.gc.ca/CEPARegistry/notices.

The Notice describes who will be required to prepare and implement a P2 plan and it may specify the commercial, manufacturing, processing or other activity in relation to which a P2 plan is to be prepared. Typically this information is located in section 2 of the Notice.

If you are a person described in a Notice but, in your opinion, you should not be subject to that Notice (i.e. you do not meet the conditions specified) you may complete and submit a Notification of Non-Engagement form. This form enables you to indicate why you believe you should not be subject to the Notice. Information submitted in the Notification of Non-Engagement form will be reviewed by Environment Canada in order to determine if further action is required.

10. What are the steps to complying with a P2 Planning Notice?

Each Notice sets out all the necessary steps and deadlines. In general, persons subject to a Notice must:

- ✓ prepare a P2 plan;
- ✓ ensure that the plan meets all the requirements of the Notice;
- ✓ file the **Schedule 1 Declaration That a Pollution Prevention Plan Has Been Prepared and is Being Implemented**;
- ✓ implement the P2 plan and file the **Schedule 5 Declaration That a Pollution Prevention Plan has Been Implemented**;
- ✓ file all **Schedule 4 Interim Progress Reports** as required;
- ✓ respect all the deadlines published in the Notice;
- ✓ ensure that the information provided in the declarations and reports is consistent with the P2 plan;
- ✓ keep a copy of the P2 plan on-site; and
- ✓ have the P2 plan available for submission if requested.

11. How much information do I need to include in my declarations and interim progress reports?

Those who are subject to a Notice must meet the requirements of Part 4 of CEPA 1999 and of the specific Notice. This includes completing and filing all sections of Schedules 1, 4 (if necessary) and 5 of the Notice. Where written information is required, as opposed to numerical figures or checklist completion, the persons submitting the information should provide statements

that clearly and accurately reflect the information being sought. The responses must accurately convey a person's actions with respect to meeting the requirements of the Notice. Environment Canada reviews each declaration and report. Note that most of the information filed in the schedules is made available to the public in accordance with CEPA 1999, and the *Access to Information and Privacy Protection Act*. The declarations and reports can be viewed online at www.ec.gc.ca/cepap2. For more information on declarations and reports, see section 4 of this document - Reporting.

12. Where do I have to keep the P2 plan?

A P2 plan must be made available to an Environment Canada enforcement officer during an on-site inspection, if requested. In accordance with section 59 of CEPA 1999, a person must keep a copy of the P2 plan on site at the facility for which the plan was prepared.

A “facility” can be considered as all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites that are owned or operated by the same person and that function as a single integrated site. An additional copy of the P2 plan can also be kept at another location, such as the company's headquarters.

13. What happens if I don't meet the risk management objective?

Those who are subject to a Notice should strive to achieve the risk management objective by the date specified in the Notice (for more

information on risk management objectives, see question 6). While they will not be out of compliance if they do not meet the risk management objective, they must indicate why the risk management objective has not been met and give the reason(s) in the Declaration of Implementation. If the risk management objective is not met through P2 planning, the Minister may develop other control options, including regulations.

If you feel that more time would allow you to meet the risk management objective, you may request more time to prepare or implement your P2 plan by submitting a written request for an extension. Schedule 3 to the Notice is the form that is used for this purpose. Such requests are evaluated on a case-by-case basis. For more details regarding time extensions, see section 5 of this document – Requesting Waivers and Time Extensions.

14. I already meet the risk management objective. Do I still have to prepare a P2 plan?

The Notice may specify that those who have achieved the risk management objective identified in the Notice at the time of its publication are not required to prepare and implement a P2 plan (i.e., are not subject to the Notice). See question 6 for more information on risk management objectives. Consult the Notice in question to determine if such a provision exists. If this provision is not set out in the Notice, a P2 plan must be prepared and implemented.

15. I just found out about a Notice published six months ago, and now I have only 1 month to prepare a P2 plan. What can I do?

The timelines in the Notice must be respected. Efforts are made to inform those subject to a Notice of the requirement to prepare and implement a P2 plan. These efforts include mail-outs and posting Notices on the CEPA Environmental Registry Web site www.ec.gc.ca/CEPARegistry/participation.

However, if you do not feel that there is enough time to prepare the P2 plan before the deadline specified in the Notice, you may request an extension of time using the form specified in Schedule 3 to the Notice. Requests for time extensions are evaluated on a case by case basis. For more details regarding time extensions, see section 5 of this document – Requesting Waivers and Time Extensions.

16. Do I have to fill out the forms in order to comply with the Notice or can I just send in the P2 plan?

Those subject to a Notice must file the appropriate forms indicated in the Notice. It is possible to do this online by using the P2 Planning database on the Environment Canada P2 Planning Web site at www.ec.gc.ca/cepap2. P2 plans should *not* be submitted. If copies of the plan are required, the Minister will publish a Notice under section 60 of CEPA 1999.

17. Under what circumstances will the Minister require that a P2 plan be submitted?

Under Section 60 of CEPA 1999, the Minister may require that a person submit a P2 plan or any part of a P2 plan so that the preventive or control actions in the plan can be assessed.

For example, where an analysis of the declarations and interim progress reports that have been filed indicates that the risk management objective specified in the Notice will not be achieved, further risk management measures may be necessary (for more information on risk management objectives, see question 6). In such a case, the Minister may require that the P2 plan or part of the plan be submitted.

18. When do the obligations under a Notice end?

Obligations under a Notice are on-going unless specified by the Notice. At a minimum, a copy of the P2 plan must be kept on site at all times. There are no further reporting requirements once the *Declaration That a Pollution Prevention Plan Has Been Implemented* under Schedule 5 of the Notice has been filed. For more information on reporting, see section 4 of this document – Reporting. However, if the information filed becomes false or misleading, or if the content of the P2 plan changes, an amendment must be filed within 30 days (for more information on amendments, see question 36).

19. How long should I keep records?

Records of information pertaining to Notices and P2 plans should be kept on

site for as long as the Notice is in effect. A copy of a P2 plan must be kept on site at all times. In addition, persons should keep a copy of the declarations and interim progress reports that have been filed, as well as documentation that can support the statements, analysis, and determination of data used in these declarations and reports, indefinitely.

20. Will Environment Canada enforcement officers look at the P2 plan?

Enforcement officers or CEPA analysts may request access to the P2 plan to confirm that it has been prepared and is being implemented in accordance with the declarations and interim progress reports that have been filed. This is usually done through inspections.

21. How is CEPA 1999 enforced?

Environment Canada’s *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999* at www.ec.gc.ca/ceparegistry/documents/policies/candepolicy/toc.cfm sets out how the Act is enforced. Enforcement officers and analysts will respect the provisions of the *Canadian Charter of Rights and Freedoms* when enforcing the law.

22. What are the penalties for non-compliance?

Under subsection 272 of CEPA 1999, it is an offence when a contravention of a provision of CEPA, its regulations, or an obligation or prohibition arising from CEPA occurs. These offences may be prosecuted in the criminal courts. For a conviction on indictment, the punishment may be a fine of not more than \$1,000,000 and/or imprisonment for

up to three years; or for a summary conviction offence, the punishment may be a fine of not more than \$300,000, or imprisonment for up to six months, or both.

In addition, under section 273 of CEPA 1999, it is an offence to provide false or misleading information, results, or samples, or to file a document that contains false or misleading information. The penalties under this section may be if the offence is committed knowingly; a conviction on indictment- a fine of not more than \$1,000,000, or imprisonment for a term of not more than three years, or both; for a summary conviction- a fine of not more than \$300,000, or imprisonment for six months, or both; or if the offence is committed negligently; for a conviction on indictment – a fine of not more than \$500,000, or imprisonment for a term of not more than three years, or both; or for a summary conviction -a fine of not more than \$200,000, or imprisonment for not more than six months, or both.

For more information, please refer to Environment Canada’s *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999* at www.ec.gc.ca/ceparegistry/documents/policies/candepolicy/toc.cfm.

SECTION 3: Developing and Implementing a P2 plan

23. What format should the P2 plan be in?

A P2 plan may be prepared in whatever format makes the most sense for an organization (or facility) as long as the plan meets all the requirements in the Notice and includes information required to complete the declarations and reports. The model plan that Environment Canada has prepared is posted on the Pollution Prevention Planning Web site in the *Pollution Prevention Planning Handbook* online at www.ec.gc.ca/cepap2 (under P2 Planning Support Tools).

24. Where can I learn how to develop and implement a P2 plan?

Depending on the Notice, sample P2 plans or templates may have been developed. In addition, Environment Canada has developed a handbook which provides information on the P2 planning process, a model plan template, and detailed information on pollution prevention practices and analytical techniques. The *Pollution Prevention Planning Handbook* is available online at www.ec.gc.ca/cepap2 (under P2 Planning Support Tools).

Other sources of information include:

- Environment Canada's Pollution Prevention Planning Web site (www.ec.gc.ca/cepap2). This Web site contains information on P2 planning and tools such as a P2 Planning Tutorial. This site also contains the Environment Canada

Pollution Prevention Planning Database. This is a searchable database; users can find the declarations that facilities have filed in accordance with specific Notices.

- Canadian Pollution Prevention Information Clearinghouse (CPPIC) Web site (www.ec.gc.ca/cppic) contains an online searchable database with over 1900 P2 resources as well as P2 planning handbooks.

25. Do I have to get a consultant to prepare and implement the P2 plan?

Using in-house resources to prepare and implement the P2 plan will create a knowledge base within your facility and promote learning about the P2 concept. This information can then be used to identify other opportunities to reduce pollution or address other issues of concern. However, the choice of whether to hire a consultant to assist in the preparation or implementation of a P2 plan is an individual choice.

Environment Canada does not maintain a list of consultants. Persons are encouraged to do their own research for professional organizations, environmental consulting firms, or applicable industry associations.

26. I already have a P2 plan. Do I have to make another one?

Those subject to a Notice who already have a P2 plan or environmental management system (EMS) in place must evaluate the current plan or system to determine if it meets all the requirements set out in the Notice. If the plan does meet all the requirements of the Notice, it is not necessary to make a

new plan; however, the required information (Schedules 1, 4 (if necessary), and 5 of the Notice) will need to be filed as usual.

If your current plan or system doesn't meet all the requirements of the Notice, it can be amended or an additional P2 plan that covers the remainder of the requirements of the Notice can be prepared. These provisions are set out in section 57 of CEPA 1999.

27. Can I use the same P2 plan to address more than one substance?

Yes. A facility may have a single P2 plan that addresses all potential pollutants and wastes.

28. What aspects of the operation do I have to include or reference in the P2 plan?

The scope of the activities to be included in the P2 plan is outlined in each Notice under section 3 – “Activities in relation to which the plan is to be prepared”. An example is “...all activities involving manufacturing, storage and handling of substance X”. Activities that are not outlined in the Notice do not need to be addressed in the plan. However, the person subject to a Notice may make a plan that is broader in scope than the factors to be considered and the risk management objective set out in the Notice. For more information on factors to be considered see question 7; for more information on risk management objectives see question 6.

29. When must the implementation of the P2 plan begin?

The implementation of the P2 plan should begin immediately after the P2 plan has been prepared. When a person files a *Declaration That a P2 Plan Has Been Prepared and Is Being Implemented* under Schedule 1 of the Notice, the person is declaring that the plan is being implemented. At a minimum, a P2 plan must be prepared and implementation of the plan must be started by the date specified in the Notice.

30. When is the implementation of the P2 plan considered complete?

A P2 plan will be considered fully implemented when all activities or elements listed in the P2 plan have been put into effect.

SECTION 4: Reporting

31. What forms do I need to fill out?

Persons subject to a Notice must file information with Environment Canada by filling out various forms called schedules. Those subject to a Notice must file the following schedules:

- ✓ **Schedule 1** - *Declaration That a Pollution Prevention Plan Has Been Prepared and Is Being Implemented*
- ✓ **Schedule 5** - *Declaration That a Pollution Prevention Plan Has Been Implemented*
- ✓ **Schedule 4** - *Interim Progress Report* (if required by the Notice)
These reports are typically filed on an annual basis.
- ✓ **Schedules 2** - *Request for Waiver of the Requirement to Consider a Factor or Factors* and **Schedule 3** - *Request for Time Extension for the Preparation or Implementation of a Pollution Prevention Plan*.
Schedules 2 and 3 need to be filed only if you are requesting a waiver of factors to consider or a time extension. For more information, see section 5 of this document – Requesting Waivers and Time Extensions.

Each P2 Planning Notice specifies what information is to be collected within the forms.

32. How can I file the schedules?

Schedules 1 to 5 can be filed with Environment Canada using the Pollution Prevention Planning Web site at

www.ec.gc.ca/cepap2 and clicking on the section “Report Online for P2 Planning Notices”. For a step-by-step guide to online reporting, email CEPAP2Plans@ec.gc.ca or dial 819-994-0186.

33. I own several facilities. Do I need to file separate schedules for each facility?

This will depend on the Notice. Generally, a P2 plan must be prepared for each facility affected by the Notice and the required schedules must be filed for each plan. However, the Notice may specify that a single P2 plan that addresses all the factors to consider for multiple facilities be prepared and implemented. For more information on factors to be considered, see question 7. In that case, unless otherwise stated, the required schedules will be filed for each facility.

34. Who is authorized to certify the schedules?

The schedules must be certified by an appropriate authority, since the person who signs the schedules is confirming that the information being reported is true, accurate, and complete. An appropriate authority is someone who is subject to the Notice, i.e., the person or class of persons who meets the criteria stated in the Notice (most often anyone who owns or operates a facility that conducts the activities listed in the Notice).

An appropriate authority could also be someone who is acting on behalf of those subject to a Notice, who can confirm that the contents of a declaration or report are true, accurate and complete,

and can take responsibility for the statements made. Examples include the Chief Executive Officer, facility managers, facility owners and/or operators, environmental health and safety managers, or legal counsel for the person who is subject to the Notice. Consultants are not considered an appropriate authority.

35. When should I submit the Declaration of Implementation (Schedule 5)?

In accordance with paragraph 56(2)(e) of CEPA 1999, the Notice prescribes the period within which a P2 plan is to be implemented. Subsection 58(2) of the Act states that a *Declaration That a Pollution Prevention Plan Has Been Implemented* must be filed within 30 days after the completion of the implementation of the P2 plan. Schedule 5 of the Notice is the form prescribed for this purpose. If a declaration under Schedule 5 is filed before the interim progress report is due, the report does not need to be filed.

36. When would I have to file an amendment?

Subsection 58(3) of CEPA 1999 states that where a person has filed a declaration and the declaration contains information that, at any time after the filing, has become false or misleading, an amended declaration to the Minister must be filed within 30 days of the change. Consult the Notice in question for the appropriate contact information.

37. How can I make changes (amendments) to the declarations or reports I have filed?

All amendments must be filed with Environment Canada in paper format and must contain:

- ✓ information on the person or class of persons subject to the Notice (part 1 of the declaration or report);
- ✓ the parts of the declaration or report that need to be amended; and
- ✓ Certification (part 9 of the declaration or report).

Note that the entire schedule does not need to be re-filed. Also note that amendments cannot be filed using the online reporting tool. Consult the Notice in question for the appropriate contact information.

38. Should I file the Declaration of Implementation (Schedule 5) if I have not met the risk management objective of the Notice?

Those subject to a Notice must file the *Declaration That a Pollution Prevention Plan Has Been Implemented* (Schedule 5 of the Notice) within 30 days after the plan has been implemented (see question 30). This requirement applies even if the risk management objective has not been met. When you file the declaration, explain in part 7.0 why the risk management objective was not achieved. For more information on risk management objectives, see question 6. This information will be used by Environment Canada to evaluate the effectiveness of the Notice. If the risk

management objective is not being achieved, the Minister may determine that other steps (including regulations) are necessary. Sections 56 and 58 of CEPA 1999 outline these provisions.

39. Is any information that I provide made available to the public?

Most information provided to Environment Canada under Notices is made available to the public through the Pollution Prevention Planning Database housed on the Pollution Prevention Planning Web site (www.ec.gc.ca/cepap2). Information that is not made available to the public includes a facility's technical contact information, certification information (see question 34), and any information that has been granted confidential status (see question 40).

Note that if a request for time extension is granted, the name of the person that is granted the extension of time and the duration of the extension of time are made available to the public.

40. What if the information I am filing is confidential?

Under CEPA 1999, any person who provides information, including a response to a Notice, may submit a written request that specific information be treated as confidential. Such written requests must accompany the document (the schedules being filed) and must clearly indicate the part(s) of the document to which the request applies.

All requests for confidentiality will be reviewed under the provisions of sections 315 to 321 of CEPA 1999 and

section 20 of the *Access to Information Act*. Each request for confidentiality is evaluated on a case-by-case basis and the person will be notified of the decision in writing.

41. Does Environment Canada accept faxed or scanned copies of signatures?

Yes, Environment Canada will accept faxed or scanned signatures, although original copies are preferred.

42. What if I can't complete the online schedule in one sitting?

For online reporting, the user does not have to complete the filing in one sitting. The information entered in the online forms will only be sent to Environment Canada only once the forms have been completely filled out on screen and the user selects "Submit."

It is a good idea to save your entries periodically by selecting the "Save" button at the bottom of the screen so that in the event of a system crash all the data will not be lost. By saving frequently, you can complete the forms over several days and avoid losing any data entered previously. To re-open a saved form, go back to the online reporting Web site at www.ec.gc.ca/cepap2, click on "Report Online for P2 Planning Notices" and select "Open an Existing Form". You can then continue to fill in the form from where it was last saved. For a step-by-step guide to online reporting, email CEPAP2Plans@ec.gc.ca or dial 819-994-0186.

SECTION 5: Requesting Waivers and Time Extensions

43. How do I request a waiver?

Under subsection 56(5) of CEPA 1999, a person subject to a Notice can submit a request that a factor to be considered in the preparation of a pollution prevention plan be waived. For more information on factors to be considered, see question 7. Schedule 2 of the Notice is the form prescribed for a *Request for Waiver of the Requirement to Consider a Factor or Factors*. Schedule 2 can be found on the Pollution Prevention Planning Web site (www.ec.gc.ca/cepap2). In the request to waive a factor to be considered, identify the factors that require the waiver and provide the reasons for the request. Schedule 2 should be printed, signed and faxed or mailed to Environment Canada before the deadline stated in the Notice.

44. Under what circumstances will the Minister grant a waiver?

The Minister evaluates the request for a waiver based on the information and rationale provided in the *Request for Waiver of the Requirement to Consider a Factor or Factors* (Schedule 2 of the Notice). The specification of factor or factors to be considered in the preparation of a pollution prevention plan will be waived only when the Minister is of the opinion that it is not reasonable or practicable for the factor(s) to be considered. Each request is evaluated on a case-by-case basis. A formal response granting or denying the request will be provided in writing.

45. What if I need more time to prepare or implement my P2 plan?

Under section 56(3) of CEPA 1999, a person may apply for an extension of the period published in the Notice for the preparation and/or implementation of a P2 plan by making a written request using a *Request for Time Extension* (Schedule 3 of the Notice). Schedule 3 can be found online by clicking on “Report Online for P2 Planning Notices” on the Pollution Prevention Planning Web site (www.ec.gc.ca/cepap2). This schedule must be signed and received by Environment Canada by the deadline stated in the Notice. Requests received after the dates outlined in the Notice will not be considered. Consult the Notice in question for the appropriate deadlines and contact information.

The number and length of extension periods will be evaluated on a case-by-case basis. If the Minister grants a time extension, the details of the decision will be made available to the public. The published details will include the name of the person to whom the extension has been granted, the new deadline, and whether the extension is for the preparation of the plan or for the implementation of the plan. If a time extension is not granted, the *Request for Time Extension* will not be published or posted online.

46. Under what circumstances will the Minister grant a time extension?

The Minister evaluates the request for a time extension based on the reasons or rationale provided in the request. Each request is evaluated on a case-by-case basis. A time extension will be granted

only when the written information presented provides sufficient information for the Minister to conclude that an extension of time is necessary.

47. I was granted a time extension but I feel I need more time. Can I request another one?

Yes, a person may submit a written request to extend the period of time even if a time extension has been previously granted as long as the request is received before the expiry of the extended period to prepare or implement a P2 plan. Requests are evaluated on a case-by-case basis.