



## RECENT CHANGES TO REGULATIONS REGARDING DISPOSAL AT SEA

When any substance is loaded onto a ship, aircraft, platform or other structure and released into the marine or estuarine environment, it is likely to be considered disposal at sea. In Canada disposal at sea is prohibited without a permit and is controlled by the *Canadian Environmental Protection Act, 1999* (CEPA 1999). Most disposal-at-sea activities in Canada involve dredged material that must be moved to keep shipping channels and harbours clear for navigation and commerce. Each year, 2 to 3 million tonnes of material are disposed of at sea.

There are three regulations under CEPA 1999 and the *Financial Administration Act* that further govern requirements for disposal-at-sea permitting:

- The *Regulations Respecting Applications for Permits for Disposal at Sea*, made under CEPA 1999, set out the application form and information requirements for submitting an application for a permit.
- The *Ocean Dumping Permit Fee Regulations (Site Monitoring)*, made under the *Financial Administration Act*, set out the permit fee for dredged and excavated materials.
- The *Disposal at Sea Regulations*, made under CEPA 1999, set out the requirements for reports of emergency dumping incidents and set the Action List for screening of dredged and excavated material.

### Changes to regulations governing disposal at sea

In November 2009 changes were made to the three regulations pertaining to disposal at sea:

#### 1. Regulations Respecting Applications for Permits for Disposal at Sea

Changes were made to remove incorrect Environment Canada contact information and address inconsistencies between the English and French versions of the application form.

#### 2. Ocean Dumping Permit Fee Regulations (Site Monitoring)

Changes were made to update references within the regulations to CEPA 1999 (the regulations were originally made under an older version of the Act). As well, the title of the regulations is now the *Disposal at Sea Permit Fee Regulations*, in order to reflect the language used in CEPA 1999.

#### 3. Disposal at Sea Regulations

Changes were made to provide clarity for the definition of the sea with respect to the Fraser River, Mackenzie River, Miramichi River and Bras d'Or Lakes.

## What will the changes mean to permit applicants and permit holders?

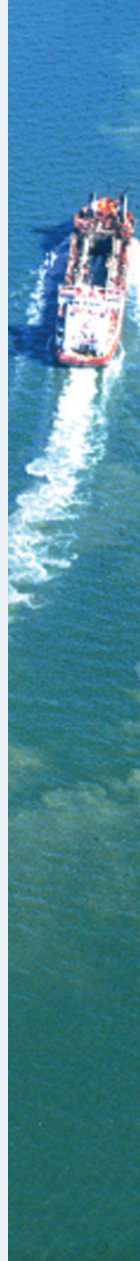
1. The changes made to the *Regulations Respecting Applications for Permits for Disposal at Sea* will ensure that people who need to contact the Disposal at Sea Program have access to the correct contact information.
2. The amendments to the formerly named *Ocean Dumping Permit Fee Regulations (Site Monitoring)* are administrative in nature and will not affect the fees paid for disposal-at-sea permits or to whom the fees apply.
3. The modifications to the *Disposal at Sea Regulations* define and extend the boundary of the sea in the Mackenzie and Miramichi estuaries as well as in the Bras d'Or Lakes in Nova Scotia. These changes may impact dredging and disposal operations proposed in these areas. Operators intending to dredge or carry out disposal in the above-noted areas should contact Environment Canada prior to conducting those activities. Environment Canada will advise if a disposal-at-sea permit is required and provide guidance in the application process where necessary.

A jurisdictional boundary has also been set in the regulations for the Fraser River. This boundary has been used in practice for many years, and there will be no change for permit applicants or permit holders.

## Other program changes that could impact applicants and permit holders

Changes to the method to be used to estimate the volume of dredge material:

In the past, dredged material estimates for permit applications have been presented as either an estimate by hydrographic survey of the amount of material that will be moved (place measure) or by estimating the quantity that will be loaded into a scow or barge (scow measure) for disposal. However, it has long been recognized that the volume estimates developed using the two different methods can vary widely. In order to avoid this variation, the Disposal at Sea Program now requests that volume estimates and records be provided in place measure. Standardizing measurements on place measure will avoid the necessity of calculating volumes using bulking factors that vary with sediment type and dredging technique. Calculation of volume using place measure also allows quantitative comparison of pre- and post-dredging hydrographic surveys, allowing for a more defensible, repeatable compliance assessment and monitoring approach. This change has been made to improve consistency and to ensure that all permit applicants are treated equally.



## Further information

### Internet:

Additional information on CEPA 1999 is available on Environment Canada's website at:

[www.ec.gc.ca/ceparegistry](http://www.ec.gc.ca/ceparegistry)

Additional information on Environment Canada's Disposal at Sea Program can be found at:

[www.ec.gc.ca/iem-das](http://www.ec.gc.ca/iem-das)

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