

# TABS ON CONTAMINATED SITES

Contaminated Sites Program - Federal Sites

This is one in a series of Technical Assistance Bulletins (TABs) prepared by Environment Canada-Ontario Region for Federal Facilities operating in Ontario.

## TAB #11



## Legislation Applicable to the CSRP

### DESCRIPTION:

When participating in the Contaminated Sites Remediation Program (CSRP), custodian departments remain subject to Federal regulations and guidelines. Accordingly, the custodian department is not only responsible for meeting the CCME Canadian Interim Environmental Quality Criteria for Contaminated Sites, but are also responsible for conforming to other legislation and standards.

**NOTE:** *In the absence of Federal legislation or guidelines attempts should be made to meet the technical requirements of Provincial legislation or guidelines. Where both Federal and Provincial legislation or guidelines exist, the more stringent of the two will have priority.*

**Remember to include the CCME Canadian Interim Environmental Quality Criteria for Contaminated Sites in all reports and documentation for comparison purposes.**

As part of keeping the "Federal House in Order", the Greening of Government initiatives, and in accordance with the objectives set out by the Office of Environmental Stewardship, it is strongly recommended that contact be made with the Regional Environment Canada office and that all reasonable steps be taken to mitigate any impacts if there is a possibility of a contravention of National or Federal legislation. **This is particularly important when establishing a "due diligence plan."**

### THE CANADIAN ENVIRONMENTAL PROTECTION ACT

**Description:** The Canadian Environmental Protection Act (CEPA) applies to all Federal departments, agencies, and crown corporations. The Act was developed in order to protect human health and the environment from the risks associated with the use of toxic substances.

### Applicability to CSRP:

Chlorobiphenyl Regulations, PCB Treatment and Destruction Regulations, and Contaminated fuel Regulations, which are legislated under CEPA, are examples of legislation that is likely to be applicable to federally owned or operated contaminated sites. Please consult the CEPA legislation for a complete and up-to-date list of regulations and interim orders.

### THE FISHERIES ACT

#### Description:

The Fisheries Act is the Federal legislation that provides for the protection of the nation's fisheries resource, including both inland waters and Great Lakes fisheries. It is designed to minimize impacts on fish habitat and fish stocks. Contravention of the

Fisheries Act may lead to a fine of up to \$1,000,000 for a first offence, and up to \$1,000,000 and/or 3 years in prison for subsequent offences.

**Applicability to CSRP:**

Any contamination from a site that reaches, by any means, an open waterway inhabited by fish, may lead to a contravention of the Fisheries Act, and subject to fines and/or imprisonment. Subsections 35(1) and 36(3) of the Act apply directly to contaminated sites.

**FEDERAL TECHNICAL GUIDELINES FOR STORAGE TANK SYSTEMS CONTAINING PETROLEUM PRODUCTS**

**Description:**

The Federal Technical Guidelines for both aboveground and underground storage tanks are a set of technical requirements designed to protect the environment by preventing releases from storage tanks and piping, and provides for the development of a proper tank management plan. The guidelines were adopted from the CCME Environmental Codes of Practice (ECP) for aboveground and underground storage tank systems containing petroleum products and allied petroleum products.

**Applicability to CSRP:**

Whenever an aboveground or underground storage tank is suspected or known to be the cause of contamination at a site, the corresponding Code of Practice should be consulted.

**THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT**

**Description:**

The Canadian Environmental Assessment Act (CEAA) applies to all Federal proposals that may have an environmental impact. The CEAA is designed to ensure that the environmental consequences of all Federal proposals are assessed for potential adverse effects early in the planning process before irrevocable decisions are made. Essentially, the CEAA is used to integrate environmental factors into planning and decision making processes by encouraging environmental assessment activities.

**The CEAA is generally used when:**

- A Federal department is the proponent of an undertaking.

- A Federal department provides funding, loan guarantees, or other financial assistance to an undertaking or operation (e.g. a contaminated site remediation program).
- Federally administered lands are involved.

**It is the responsibility of every Federal department to conduct a comprehensive environmental assessment of all its proposed projects in order to determine the level of their impact.**

**Applicability to CSRP:**

Site assessments and remediation activities must be screened prior to their initiation to ensure that those activities are going to be conducted in a manner which does not result in adverse environmental impacts. For example, if site assessment activities include initiating a sub-surface investigation program consisting of test pits and boreholes, the screening activity may lead to a conclusion that it might be necessary to develop a plan to ensure that these activities are environmentally acceptable.

**SOURCES**

Canadian Council of Ministers of the Environment (1993). *Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products.*

Canadian Council of Ministers of the Environment (1994). *Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products.*

Canadian Environmental Assessment Agency (1994). *Canadian Environmental Assessment Act - Responsible Authority Guide.*

Environment Canada (1988). *Canadian Environmental Protection Act and the Role of Federal Organizations.*

Environment Canada (1992). *Canadian Environmental Protection Act - Report for the Period April 1990-March 1991.*

Environment Canada (1995). *Technical Guidelines for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products.*

Environment Canada (1996). *Technical Guidelines for Aboveground Storage Tank Systems Containing Petroleum Products.*

Government of Canada (1984). *Environmental Assessment and Review Process Guidelines Order.*

Government of Canada (1985). *Fisheries Act.*

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