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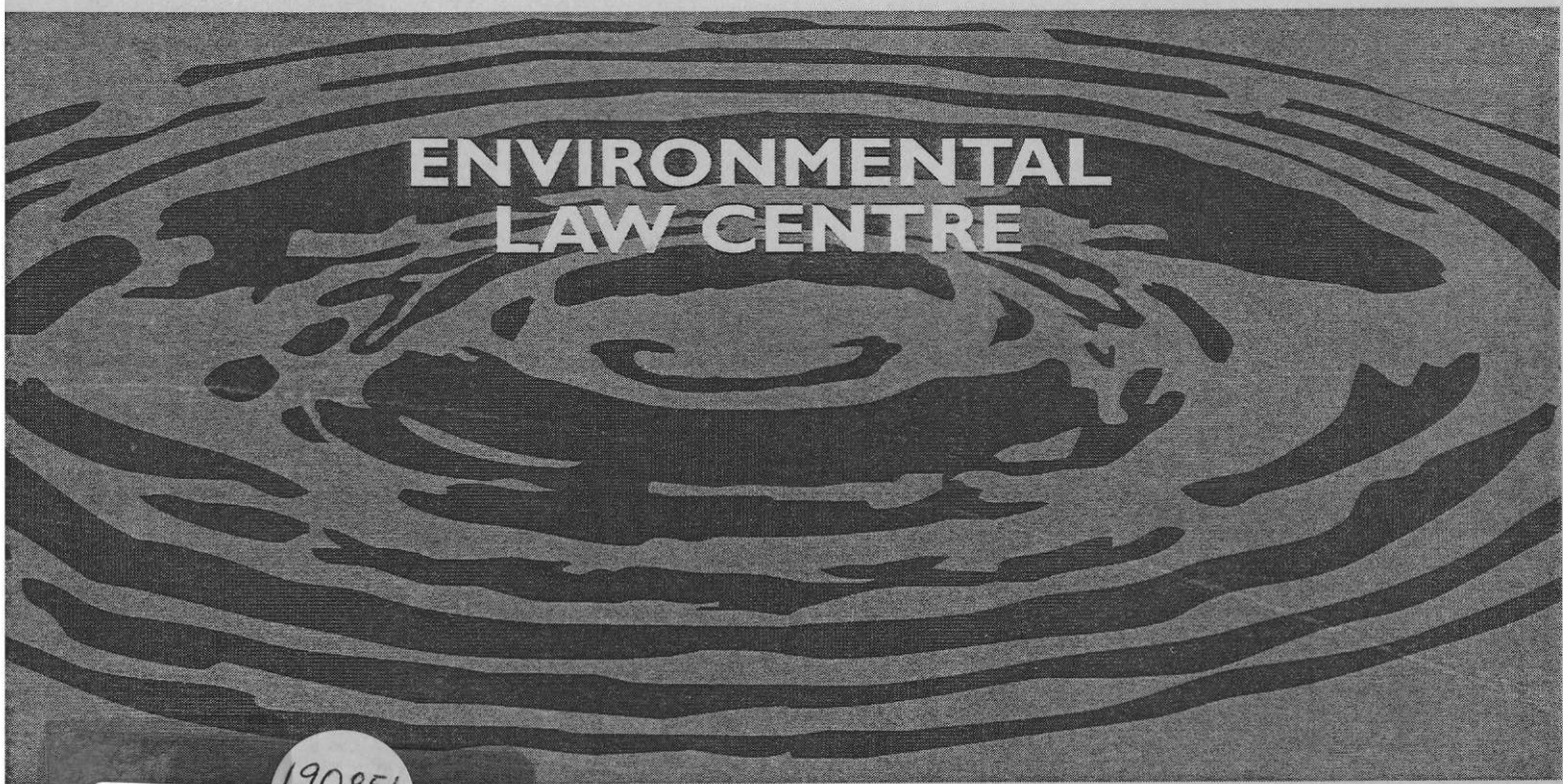
PCBS IN USE AND IN STORAGE



The Law of Nature

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PCBS IN USE AND IN STORAGE

Prepared By

Environmental Law Centre

For

Environment Canada

ENVIRONMENTAL LAW CENTRE

The Environmental Law Centre (Alberta) Society is a non-profit charitable organization operating in Alberta since 1982. The Society believes in making the law work to protect the environment and in support of this objective provides services in environmental law education and assistance, environmental law reform and environmental law research. The Society operates the Environmental Law Centre which is staffed by four full-time lawyers.

Funding is provided to the Society in part by the Alberta Law Foundation and through the generous support of the public. The Centre also accepts private and government research contracts for work relevant to and consistent with the Society's objectives.

The information in this report is current to September 1, 1994.

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PCBS IN USE AND IN STORAGE

TABLE OF CONTENTS

I. INTRODUCTION

This Part of our review report covers only legislation or guidelines specifically dealing with PCBs. Although relevant to PCB use and storage, this part of our report will not cover general environmental laws such as those relating to release of substances, hazardous substances (dealt with under HAZARDOUS SUBSTANCES) or transportation of dangerous goods. It also does not cover the destruction of PCBs unless the legislation also deals with use or storage.

II. FEDERAL GOVERNMENT

Canadian Environmental Protection Act, List of Toxic Substances

Part II of the Canadian Environmental Protection Act (CEPA) sets out requirements and procedures for the Minsters of the Environment and National Health and Welfare to list on the "Priority Substance List" substances which are or are capable of becoming toxic. CEPA Part II requires these Ministers to assess Priority Substance List substances, and provides procedures to add assessed substances to the List of Toxic Substances, where appropriate. Schedule I to CEPA contains the List of Toxic Substances. This list has two columns. Column I names or describes the substance and Column II sets out the type of regulation applicable.

#1 on the List of Toxic Substances are chlorobiphenyls that have the molecular formula $C_{12}H_{10-n}Cl_n$ in which "n" is greater than 2. The Column II applicable types of

regulation are:

(a) Prohibited commercial, manufacturing or processing uses

(b) Maximum concentration in products

(c) Maximum quantities and concentration that many be released in the environment

(d) Treatment and destruction of waste

(e) Prohibition of the export of waste

(f) Storage of PCB material

PCB Regulations Under CEPA

There are 4 PCB regulations under CEPA:

Federal Mobile PCB Treatment and Destruction Regulations

Chlorobiphenyls Regulations

PCB Waste Export Regulations

Storage of PCB Materials Regulations

This report appends provisions of these regulations as appropriate.

Federal Mobile PCB Treatment and Destruction Regulations

Subject of Regulation

This regulation applies in respect of any of the following PCB material that is not being used daily

(a) PCB liquids in an amount of 100 L or more;

(b) PCB solids or PCB substances in an amount of 100 kg or more;

(c) PCB liquids, PCB solids or PCB substances, or any combination thereof, in an amount less than that referred to in paragraph (a) or (b) that contains 1 kg or more of PCBs; and

(d) PCB equipment that contains an amount of PCBs, PCB liquids, PCB solids or PCB substances referred to in any of paragraphs (a) to (c), except for PCB equipment that is shut down for a period of less than six months (s.3)

The regulations do not apply to handling, offering for transport or transporting of PCB material under the Transportation of Dangerous Goods Act nor to the Department of National Defence in respect of PCB equipment in storage for future use, where that equipment is an integral part of tactical equipment (ss 3(4) and 3(5)).

The regulations apply in respect of mobile PCB destruction systems and mobile PCB treatment systems operated on Federal lands or anywhere in Canada by or under contract with a Federal institution (s.3).

Application and Standards

The regulations set PCB limits for air, water and solid waste discharges for commercial treatment and destruction facilities in Canada.

S.4 places a duty on Federal institutions to ensure that the person who operates a mobile PCB destruction system or mobile PCB treatment system under contract with a Federal institution complies with ss 5 through 17 of the regulations.

Ss 5 to 7 set out standards for operating PCB destruction and treatment systems. They prohibit persons from operating mobile PCB destruction or treatment systems where the systems contain PCBs in excess of certain specified amounts. The amounts depend upon whether the concentration is in oil, a gas, a dry basis or a liquid.

Information on Design and Performance

S.11 prohibits any person from operating a mobile PCB destruction or mobile PCB treatment system unless the person provides the Minister of Environment with specified information on the design and performance of the system demonstrating that the system is capable of meeting the standards set out in ss 5 to 9 of the regulation, and that the person is authorized by the Minister to operate the system.

Testing

Ss 12 and 13 provide authorization for voluntary testing with the written permission of the Minister and require testing at the request of the Minister for persons who operate a mobile PCB destruction or treatment system.

S.14 requires every person who conducts a test to employ methods specified in ss 15 to 17. These methods include that concentrations be measured in accordance with specified government methods pursuant to certain Environment Reports, as amended from time to time.

Ss 16 and 17 set out methods for measuring to determine compliance with ss 8 and 9 (the prohibitions against operating mobile PCB destruction or treatment systems that release PCBs in excess of specified amounts).

Chlorobiphenyls Regulations

Subject of Regulations

These regulations restrict the use of chlorobiphenyls (PCBs) to existing electrical equipment by way of a number of prohibitions.

Prohibition on Manufacture, etc.

S.3 prohibits any person from manufacturing, processing, using, offering for sale or import chlorobiphenyls for certain commercial, manufacturing or processing uses. 3(2) states that the prohibition does not apply when chlorobiphenyls are adventitiously present in any product, machinery or equipment and the quantity or concentration of chlorobiphenyls is not inconsistent with good manufacturing practice.

Limits on Concentration of PCBs in Products

S.4 limits the concentration of chlorobiphenyls that may be contained in any liquid in products, machinery or equipment specified in subparagraph 3(1)(a)(i)(2) of the regulation, that are manufactured, imported or offered for sale in Canada to 50 PPM by weight of the liquid. However, (4)(2) states that the limitation does not apply in respect of concentrations of chlorobiphenyls where the product, machinery or equipment is offered for sale as a necessary and integral part of a building, plant or

structure; imported for destruction; or offered for sale for destruction or storage awaiting destruction of the chlorobiphenyls contained in that product.

Limitations on Quantity of PCBs Released

S.5 limits the concentration of chlorobiphenyls in any liquid that may be released into the environment in the course of commercial, manufacturing or processing activity in Canada or waters or places to which (36)(3) of the Fisheries Act applies to 50 PPM. However, with respect to an application to a road surface, the concentration that may be released is 5 PPM by weight of the liquid in respect of an application.

The regulation contains different limits for certain equipment manufactured or imported into Canada before certain dates. S.6 limits the quantity of chlorobiphenyls that may be released into the environment to 1 g per day in respect of equipment or material containing equipment regarding operation, servicing, maintenance, decommissioning, transporting or storage of electrical capacitors and electrical transformers and associated electrical equipment manufactured in or imported into Canada before July 1, 1980; or heat transfer equipment, hydraulic equipment, electro magnets and vapour diffusion pumps designed to use chlorobiphenyls and manufactured in or imported into Canada before September 1, 1977.

PCB Waste Export Regulations

Subject of Regulation

These regulations concern the offer to export or the export of PCB waste and amending the list of toxic substances in Schedule I to CEPA.

S.3 prohibits any person from exporting any PCB waste. However, s.4 exempts from s.3 a person who exports any PCB waste to the U.S. where the EPA has given prior consent with respect to the export, or any product that is in good working order and has a capacitor that contains not more than 500 g of PCB and is an integral part of the product, where the capacitor is necessary for the operation of the product.

S.5 amends Column II of item 1 on the List of Toxic Substances, appended to CEPA by adding:

"(d) treatment and destruction of waste
(e) prohibition of the export of waste"

Storage of PCB Material Regulations

Subject Matter of Regulation

These regulations deal with the storage of all materials (waste or equipment) containing a concentration of PCB equal to or higher than 50 parts per million (PPM).

Registration
SOR/90-5 14 December, 1989

CANADIAN ENVIRONMENTAL PROTECTION ACT

Federal Mobile PCB Treatment and Destruction Regulations

as am. 93-231

P.C. 1989-2447 14 December, 1989

Whereas, pursuant to subsection 48(1) of the Canadian Environmental Protection Act*, the Minister of the Environment published in the *Canada Gazette* Part I on August 5, 1989, a copy of the annexed Regulations respecting mobile systems for the treatment and destruction of chlorobiphenyls that are operated on federal lands or operated by or under contract with federal institutions, substantially in the form annexed hereto;

And Whereas, in the opinion of the Governor in Council, pursuant to subsection 34(3) of the Canadian Environmental Protection Act*, the annexed regulation does not regulate any aspect of any substance that is regulated by or under any other Act of Parliament;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of the Environment and the Minister of National Health and Welfare, pursuant to section 34** of the Canadian Environmental Protection Act*, and on the recommendation of the Minister of the Environment with the concurrence of the Minister of Agriculture, the Minister of Public Works, the Minister of Energy, Mines and Resources, the Minister of National Health and Welfare, the Minister of Finance, the Minister of State for Science and Technology and Acting Minister of Consumer and Corporate Affairs, the Minister of Fisheries and Oceans, the Minister of National Defence, the Minister of Transport, the Minister of Communications, the Minister of Veterans Affairs, the Minister of Supply and Services, the Minister of Indian Affairs and Northern Development, the Solicitor General of Canada and the Minister of Labour, pursuant to section 54 of that Act, is pleased hereby to make the annexed Regulations respecting mobile systems for the treatment and destruction of chlorobiphenyls that are operated on federal lands or operated by or under contract with federal institutions.

* R.S., c. 16 (4th Supp.)
** S.C. 1989, c. 9, s. 2

Enregistrement
DORS/90-5 14 décembre 1989

LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT

Règlement fédéral sur le traitement et la destruction des BPC au moyen d'unités mobiles

C.P. 1989-2447 14 décembre 1989

Attendu que, conformément au paragraphe 48(1) de la Loi canadienne sur la protection de l'environnement*, le ministre de l'Environnement a fait publier dans la *Gazette du Canada* Partie I le 5 août 1989 le projet de Règlement concernant les unités mobiles de traitement et de destruction des biphényles chlorés qui sont utilisées sur le territoire domanial ou par une institution fédérale ou aux termes d'un contrat passé avec celle-ci, conforme en substance au texte ci-après;

Attendu que, conformément au paragraphe 34(3) de la Loi canadienne sur la protection de l'environnement*, le gouverneur en conseil est d'avis que le règlement ci-après ne vise pas un point déjà réglementé sous le régime d'une autre loi fédérale,

À ces causes, sur avis conforme du ministre de l'Environnement et du ministre de la Santé nationale et du Bien-être social, en vertu de l'article 34** de la Loi canadienne sur la protection de l'environnement*, et sur avis conforme du ministre de l'Environnement et avec l'assentiment du ministre de l'Agriculture, du ministre des Travaux publics, du ministre de l'Énergie, des Mines et des Ressources, du ministre de la Santé nationale et du Bien-être social, du ministre des Finances, du ministre d'État chargé des Sciences et de la Technologie et ministre suppléant des Consommateurs et des Sociétés, du ministre des Pêches et des Océans, du ministre de la Défense nationale, du ministre des Transports, du ministre des Communications, du ministre des Anciens combattants, du ministre des Approvisionnements et Services, du ministre des Affaires indiennes et du Nord canadien, du solliciteur général du Canada et du ministre du Travail, en vertu de l'article 54 de cette loi, il plaît à Son Excellence le Gouverneur général en conseil de prendre le Règlement concernant les unités mobiles de traitement et de destruction des biphényles chlorés qui sont utilisées sur le territoire domanial ou par une institution fédérale ou aux termes d'un contrat passé avec celle-ci, ci-après.

* L.R., ch. 16 (4e suppl.)
** L.C. 1989, ch. 9, art. 2

REGULATIONS RESPECTING MOBILE SYSTEMS FOR THE TREATMENT AND DESTRUCTION OF CHLOROBIPHENYLS THAT ARE OPERATED ON FEDERAL LANDS OR OPERATED BY OR UNDER CONTRACT WITH FEDERAL INSTITUTIONS

Short Title

1. These Regulations may be cited as the *Federal Mobile PCB Treatment and Destruction Regulations.*

Interpretation

2. In these Regulations,

"Act" means the *Canadian Environmental Protection Act*; (*Loi*)

"chlorobiphenyls" or "PCBs" means the chlorobiphenyls set out in the List of Toxic Substances in Schedule I to the Act; (*biphényles chlorés* or *BPC*)

"federal institution" means a department, board or agency of the Government of Canada or any corporation that is named in Schedule III to the *Financial Administration Act*; (*institution fédérale*)

"mobile PCB destruction system" means mobile equipment that is capable of destroying PCBs by thermal means; (*unité mobile de destruction des BPC*)

"mobile PCB treatment system" means mobile equipment that is capable of destroying PCBs by chemical means; (*unité mobile de traitement des BPC*)

"normal cubic metre" means the volume of a gas at 25°C and 101.3 kPa; (*mètre cube normal*)

"2,3,7,8-substituted PCDDs" means any polychlorinated dibenzo-para-dioxins that have the molecular formula $C_{12}H_{8-n}Cl_nO_2$, in which "n" is from 4 to 8 and chlorine atoms are located at the 2,3,7,8 positions on the molecule; (*PCDD chlorés aux positions 2,3,7 et 8*)

"2,3,7,8-substituted PCDFs" means any polychlorinated dibenzofurans that have the molecular formula $C_{12}H_{8-n}Cl_nO$, in which "n" is from 4 to 8 and chlorine atoms are located at the 2,3,7,8 positions on the molecule. (*PCDF chlorés aux positions 2,3,7 et 8*)

Application

3. These Regulations apply in respect of mobile PCB destruction systems and mobile PCB treatment systems that are operated

(*a*) on federal lands, as defined in section 52 of the Act; or

(*b*) anywhere in Canada by or under contract with a federal institution.

Duty of Federal Institutions

4. Where a mobile PCB destruction system or mobile PCB treatment system is operated under contract with a federal

RÈGLEMENT CONCERNANT LES UNITÉS MOBILES DE TRAITEMENT ET DE DESTRUCTION DES BIPHÉNYLES CHLORÉS QUI SONT UTILISÉES SUR LE TERRITOIRE DOMANIAL OU PAR UNE INSTITUTION FÉDÉRALE OU AUX TERMES D'UN CONTRAT PASSÉ AVEC CELLE-CI

Titre abrégé

1. *Règlement fédéral sur le traitement et la destruction des BPC au moyen d'unités mobiles.*

Définitions

2. Les définitions qui suivent s'appliquent au présent règlement.

«biphényles chlorés» ou «BPC» Les biphényles chlorés visés à la liste de l'annexe I de la Loi. (*chlorobiphenyls* ou *PCBs*)

«institution fédérale» Ministère, commission ou organisme du gouvernement du Canada, ou société nommée à l'annexe III de la *Loi sur la gestion des finances publiques*. (*federal institution*)

«Loi» La *Loi canadienne sur la protection de l'environnement*. (*Act*)

«mètre cube normal» Volume d'un gaz à 25 °C et à 101,3 kPa. (*normal cubic metre*)

«PCDD chlorés aux positions 2,3,7 et 8» Polychlorodibenzo-p-dioxines de formule brute $C_{12}H_{8-n}Cl_nO_2$, où «n» varie de 4 à 8 et où les positions 2,3,7 et 8 de la molécule sont occupées chacune par un atome de chlore. (*2,3,7,8-substituted PCDDs*)

«PCDF chlorés aux positions 2,3,7 et 8» Polychlorodibenzofurannes de formule brute $C_{12}H_{8-n}Cl_nO$, où «n» varie de 4 à 8 et où les positions 2,3,7 et 8 de la molécule sont occupées chacune par un atome de chlore. (*2,3,7,8-substituted PCDFs*)

«unité mobile de destruction des BPC» Équipement mobile capable de détruire les BPC par voie thermique. (*mobile PCB destruction system*)

«unité mobile de traitement des BPC» Équipement mobile capable de détruire les BPC par voie chimique. (*mobile PCB treatement system*)

Application

3. Le présente règlement s'applique aux unités mobiles de destruction des BPC et aux unités mobiles de traitement des BPC qui sont utilisées, selon le cas :

a) sur le territoire domanial, au sens de l'article 52 de la Loi;

b) au Canada, par une institution fédérale ou aux termes d'un contrat passé avec celle-ci.

Obligation de l'institution fédérale

4. Lorsqu'une unité mobile de destruction des BPC ou une unité mobile de traitement des BPC est utilisée aux termes d'un contrat passé avec une institution fédérale, celle-ci

institution, the federal institution shall ensure that the person who operates the system complies with sections 5 to 17.

Standards

5. No person shall operate a mobile PCB destruction system that releases into the environment a gas that contains PCBs in excess of 1 mg/kg of PCBs put into the system.

6. No person shall operate a mobile PCB treatment system to treat oil that contains PCBs unless the system is operated so as to reduce the concentration of PCBs in the oil to 2 mg/kg or less.

7. (1) No person shall operate a mobile PCB destruction system or mobile PCB treatment system that releases into the environment a gas that contains a concentration of

(*a*) particulate matter that exceeds 50 mg per normal cubic metre;

(*b*) hydrogen chloride that exceeds 75 mg per normal cubic metre; or

(*c*) 2,3,7,8-substituted PCDDs and 2,3,7,8-substituted PCDFs that exceeds 12 ng per normal cubic metre, when determined in accordance with section 10.

(2) The concentrations referred to in subsection (1) are corrected to 11% oxygen, on a dry basis.

8. No person shall operate a mobile PCB destruction system that releases into the environment a liquid that contains a concentration of

(*a*) PCBs that exceeds 5 μg/L; or

(*b*) 2,3,7,8-substituted PCDDs and 2,3,7,8-substituted PCDFs that exceeds 0.6 ng/L, when determined in accordance with section 10.

9. No person shall operate a mobile PCB destruction system or mobile PCB treatment system that releases into the environment a solid that contains a concentration, on a dry basis, of

(*a*) PCBs that exceeds 0.5 mg/kg; or

(*b*) 2,3,7,8-substituted PCDDs and 2,3,7,8-substituted PCDFs that exceeds 1 μg/kg, when determined in accordance with section 10.

10. The concentrations referred to in paragraphs 7(1)(*c*), 8(*b*) and 9(*b*) are determined by multiplying the concentration of each congener of 2,3,7,8-substituted PCDDs and 2,3,7,8-substituted PCDFs that is set out in an item of column I of the schedule by the corresponding toxicity factor set out in column II of that item, and by adding the products thereof.

Information on Design and Performance

11. No person shall operate a mobile PCB destruction system or mobile PCB treatment system unless the person provides the Minister with information on the design and performance of the system that demonstrates that the system is capable of meeting the standards set out in sections 5 to 9 and is authorized by the Minister in writing to operate the system.

s'assure que l'utilisateur de l'unité se conforme aux articles 5 à 17.

Normes

5. Il est interdit d'utiliser une unité mobile de destruction des BPC qui rejette dans l'environnement un gaz contenant plus de 1 mg de BPC par kilogramme de BPC chargé dans l'unité.

6. Il est interdit d'utiliser une unité mobile de traitement des BPC présents dans des huiles à moins que l'unité ne soit utilisée de manière à ramener la concentration des BPC dans ces huiles à 2 mg/kg ou moins.

7. (1) Il est interdit d'utiliser une unité mobile de destruction des BPC ou une unité mobile de traitement des BPC qui rejette dans l'environnement un gaz contenant, selon le cas, une concentration de plus de :

a) 50 mg de matière particulaire par mètre cube normal;

b) 75 mg de chlorure d'hydrogène par mètre cube normal;

c) 12 ng par mètre cube normal de PCDD chlorés aux positions 2,3,7 et 8 et de PCDF chlorés aux positions 2,3,7 et 8, calculée conformément à l'article 10.

(2) Les concentrations visées au paragraphe (1) sont ramenées à une teneur en oxygène en 11 pour cent à l'état sec.

8. Il est interdit d'utiliser une unité mobile de destruction des BPC qui rejette dans l'environnement un liquide contenant une concentration de plus de :

a) 5 μg/L de BPC;

b) 0,6 ng/L de PCDD chlorés aux positions 2,3,7 et 8 et de PCDF chlorés aux positions 2,3,7 et 8, calculée conformément à l'article 10.

9. Il est interdit d'utiliser une unité mobile de destruction des BPC ou une unité mobile de traitement des BPC qui rejette dans l'environnement un solide contenant une concentration, à l'état sec, de plus de :

a) 0,5 mg/kg de BPC;

b) 1 μg/kg de PCDD chlorés aux positions 2,3,7 et 8 et de PCDF chlorés aux positions 2,3,7 et 8, calculée conformément à l'article 10.

10. Les concentrations visées aux alinéas 7(1)*c*), 8*b*) et 9*b*) expriment la somme des produits obtenus par la multiplication de la concentration de chaque congénère des PCDD chlorés aux positions 2,3,7 et 8 et des PCDF chlorés aux positions 2,3,7 et 8 visé à la colonne I de l'annexe par son facteur de toxicité visé à la colonne II de l'annexe.

Renseignements sur le modèle et le rendement

11. Il est interdit d'utiliser une unité mobile de destruction des BPC ou une unité mobile de traitement des BPC à moins que l'utilisateur ne remette au ministre des renseignements sur le modèle et le rendement de l'unité démontrant que l'unité peut répondre aux normes établies aux articles 5 à 9, et n'ait reçu l'autorisation écrite du ministre d'utiliser l'unité.

Testing

12. (1) A person may, with the written permission of the Minister and subject to such terms and conditions as the Minister may impose, conduct a test of a mobile PCB destruction system or mobile PCB treatment system for the purposes of providing the Minister with the information referred to in section 11.

(2) A person who conducts a test under subsection (1) does not contravene these Regulations if the mobile PCB destruction system or mobile PCB treatment system does not meet the standards set out in sections 5 to 9 during the test.

13. (1) Any person who operates a mobile PCB destruction system or mobile PCB treatment system shall, at the request of the Minister, conduct tests during the operation of the system to determine if it meets the standards set out in sections 5 to 9.

(2) Any person who operates a mobile PCB destruction system or mobile PCB treatment system shall submit to the Minister in writing the results of any test conducted pursuant to subsection (1) no later than 60 days after the day on which the test was completed.

Test Methods

14. Every person who conducts a test pursuant to section 12 or 13 shall employ the methods referred to in sections 15 to 17.

15. (1) For the purposes of paragraph 7(1)(*a*), the concentration of particulate matter in a gas shall be measured in accordance with the methods set out in the *Standard Reference Methods for Source Testing: Measurement of Emissions of Particulates from Stationary Sources*, Department of the Environment Report EPS 1-AP-74-1, February 1974, as amended from time to time.

(2) For the purposes of paragraph 7(1)(*b*), the concentration of hydrogen chloride in a gas shall be measured in accordance with the methods set out in the *Reference Method for Source Testing: Measurement of Releases of Gaseous Hydrogen Chloride from Stationary Sources*, Department of the Environment Report EPS 1/RM/1, June 1989, as amended from time to time.

(3) For the purposes of section 5 and paragraph 7(1)(*c*), the concentration of PCBs, 2,3,7,8-substituted PCDDs and 2,3,7,8-substituted PCDFs in a gas shall be measured in accordance with

(*a*) the sampling method set out in the *Reference Method for Source Testing: Measurement of Releases of Selected Semi-Volatile Organic Compounds from Stationary Sources*, Department of the Environment, Report EPS 1/RM/2, June 1989, as amended from time to time; and

(*b*) the method of analysis set out in *A Method for the Analysis of Polychlorinated Dibenzo-Para-Dioxins (PCDD), Polychlorinated Dibenzofurans (PCDF) and Polychlorinated Biphenyls (PCB) in Samples from the Incineration of PCB Waste*, Department of the Environment, Report EPS 1/RM/3, June 1989, as amended from time to time.

Mise à l'essai

12. (1) Toute personne peut, avec la consentement écrit du ministre et sous réserve des conditions qui peuvent y être stipulées, faire l'essai d'une unité mobile de destruction des BPC ou d'une unité mobile de traitement des BPC, dans le but de présenter au ministre les renseignements visés à l'article 11.

(2) La personne qui ait un essai conformément au paragraphe (1) n'enfreint pas le présent règlement si, pendant l'essai, l'unité mobile de destruction des BPC ou l'unité mobile de traitement des BPC ne répond aux normes établies aux articles 5 à 9.

13. (1) L'utilisateur d'une unité mobile de destruction des BPC ou d'une unité mobile de traitement des BPC, à la demande du ministre, effectue des essais pendant que l'unité est en marche afin de déterminer si celle-ci répond aux normes établies aux articles 5 à 9.

(2) L'utilisateur d'une unité mobile de destruction des BPC ou d'une unité mobile de traitement des BPC remet au ministre par écrit les résultats de tout essai fait en application du paragraphe (1) dans les 60 jours qui suivent l'essai.

Méthodes d'essai

14. Les essais effectués en application des articles 12 ou 13 sont effectués selon les méthodes visées aux articles 15 à 17.

15. (1) Pour l'application de l'alinéa 7(1)*a*), la concentration de matière particulaire dans un gaz est mesurée conformément aux méthodes décrites dans le rapport EPS 1-AP-74-1 intitulé *Méthodes de référence normalisées en vue d'essais aux sources : mesure des émissions de particules provenant de sources fixes*, avec ses modifications successives, publié par le ministère de l'Environnement en février 1974.

(2) Pour l'application de l'alinéa 7(1)*b*), la concentration de chlorure d'hydrogène dans un gaz est mesurée conformément à la méthode décrite ans le rapport SPE 1/RM/1 intitulé *Méthode de référence en vue d'essais aux sources : Dosage de l'acide chlorhydrique gazeux dans les émissions de sources fixes*, avec ses modifications successives, publié par le ministère de l'Environnement en juin 1989.

(3) Pour l'application de l'article 5 et de l'alinéa 7(1)*c*), la concentration, dans un gaz, de BPC, ainsi que de PCDD chlorés aux positions 2,3,7 et 8 et de PCDF chlorés aux positions 2,3,7 et 8, est mesurée conformément :

a) à la méthode d'échantillonnage décrite dans le rapport SPE 1/RM/2 intitulé *Méthode de référence en vue d'essais aux sources : Dosage des composés organiques semi-volatiles dans les émissions de sources fixes*, avec ses modifications successives, publié par le ministère de l'Environnement en 1989;

b) à la méthode d'analyse décrite dans le rapport SPE 1/RM/3 intitulé *Méthode d'analyse des polychlorodibenzoparadioxines (PCDD), des polychlorodibenzofurannes (PCDF) et des polychlorobiphényles (PCB) dans les échantillons de résidus de combustion d'incinérateurs de PCB*,

Registration
SOR/91-152 21 February, 1991

CANADIAN ENVIRONMENTAL PROTECTION ACT

Chlorobiphenyls Regulations

P.C. 1991-300 21 February, 1991

Whereas, pursuant to subsection 48(1) of the Canadian Environmental Protection Act*, the Minister of the Environment published in the *Canada Gazette* Part I on December 10, 1990, a copy of the proposed Regulations respecting chlorobiphenyls, substantially in the form annexed hereto;

Whereas more than 60 days have elapsed from the date of publication and no notices of objection to the proposed Regulations were filed with the Minister of the Environment pursuant to subsection 48(2) of that Act;

And Whereas, in the opinion of the Governor in Council, pursuant to subsection 34(3) of the Canadian Environmental Protection Act*, the proposed Regulations do not regulate any aspect of any substance that is regulated by or under any other Act of Parliament;

Therefore, His Excellency the Governor General in Council, pursuant to section 34** of the Canadian Environmental Protection Act*, on the recommendation of the Minister of the Environment and the Minister of National Health and Welfare and after the federal-provincial advisory committee has been given an opportunity to provide its advice under section 6 of that Act, is pleased hereby to revoke

(*a*) the Chlorobiphenyl Regulations No. 1, C.R.C., c. 564,

(*b*) the Chlorobiphenyl Regulations No. 2 (Product), made by Order in Council P.C. 1985-1473 of May 2, 1985***, and

(*c*) the Chlorobiphenyl Regulations No. 3 (Release), made by Order in Council P.C. 1985-1472 of May 2, 1985****,

and to make the annexed Regulations respecting chlorobiphenyls, in substitution therefor.

REGULATIONS RESPECTING CHLOROBIPHENYLS

Short Title

1. These Regulations may be cited as the *Chlorobiphenyls Regulations*.

* R.S., c. 16 (4th Supp.)
** S.C. 1989, c. 9, s. 2
*** SOR/85-406, 1985 *Canada Gazette* Part II, p. 2145
**** SOR/85-407, 1985 *Canada Gazette* Part II, p. 2147

Enregistrement
DORS/91-152 21 février 1991

LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT

Règlement sur les biphényles chlorés

C.P. 1991-300 21 février 1991

Attendu que, conformément au paragraphe 48(1) de la Loi canadienne sur la protection de l'environnement*, le ministre de l'Environnement a fait publier dans la *Gazette du Canada* Partie I, le 10 décembre 1990, le projet de Règlement concernant les biphényles chlorés, conforme en substance au texte ci-après;

Attendu que plus de 60 jours se sont écoulés depuis la date de sa publication et qu'aucun avis d'opposition au projet de règlement n'a été déposé auprès du ministre de l'Environnement selon le paragraphe 48(2) de cette loi;

Attendu que, conformément au paragraphe 34(3) de cette loi, le gouverneur en conseil est d'avis que le règlement ci-après ne vise pas un point déjà réglementé sous le régime d'une autre loi fédérale,

À ces causes, sur avis conforme du ministre de l'Environnement et du ministre de la Santé nationale et du Bien-être social et en vertu de l'article 34** de la Loi canadienne sur la protection de l'environnement* et après avoir donné au comité consultatif fédéro-provincial la possibilité de formuler ses conseils dans le cadre de l'article 6 de cette loi, il plaît à Son Excellence le Gouverneur général en conseil d'abroger :

a) le Règlement n° 1 sur les biphényles chlorés, C.R.C., ch. 564,

b) le Règlement n° 2 sur les biphényles chlorés (produits), pris par le décret C.P. 1985-1473 du 2 mai 1985***,

c) le Règlement n° 3 sur les biphényles chlorés (rejets), pris par le décret C.P. 1985-1472 du 2 mai 1985****,

et de prendre en remplacement le Règlement concernant les biphényles chlorés, ci-après.

RÈGLEMENT CONCERNANT LES BIPHÉNYLES CHLORÉS

Titre abrégé

1. *Règlement sur les biphényles chlorés.*

* L.R., ch. 16 (4e suppl.)
** L.C. 1989, ch. 9, art. 2
*** DORS/85-406, *Gazette du Canada* Partie II, 1985, p. 2145
**** DORS/85-407, *Gazette du Canada* Partie II, 1985, p. 2147

Interpretation

2. In these Regulations,

"chlorobiphenyls" means the chlorobiphenyls set out in the List of Toxic Substances in Schedule I to the *Canadian Environmental Protection Act*; (*biphényles chlorés*)

"electrical transformers" includes any transformer-rectifier assembly installed in a common enclosure. (*transformateur électrique*)

Prohibition

3. (1) Subject to subsection (2) and section 4, no person shall manufacture, process, use, offer for sale or import chlorobiphenyls for any of the following commercial, manufacturing or processing uses:

(*a*) in the operation of any product, machinery or equipment other than

(i) electrical capacitors and electrical transformers and associated electrical equipment,

(ii) heat transfer equipment, hydraulic equipment, electromagnets, other than electromagnets referred to in paragraph (*b*), and vapour diffusion pumps that were designed to use chlorobiphenyls and that were in use in Canada on or before September 1, 1977, or

(iii) machinery or equipment for the destruction of chlorobiphenyls;

(*b*) in the operation of electromagnets that are used to handle food, animal feed or any additive to food or animal feed;

(*c*) as a constituent of any product, machinery or equipment manufactured in or imported into Canada on or after September 1, 1977, other than electrical capacitors and electrical transformers and associated electrical equipment;

(*d*) as a constituent of electrical capacitors and electrical transformers and associated electrical equipment manufactured in or imported into Canada on or after July 1, 1980;

(*e*) in the servicing or maintenance of any product, machinery or equipment other than electromagnets and electrical transformers and associated electrical equipment from which the chlorobiphenyls are removed to allow servicing and maintenance; or

(*f*) as new filling or as make-up fluid in the servicing or maintenance of any electromagnet, electrical transformer or associated electrical equipment.

(2) Subsection (1) does not apply when chlorobiphenyls are adventitiously present in any product, machinery or equipment and the quantity or concentration of chlorobiphenyls in the product, machinery or equipment is not inconsistent with good manufacturing practice.

Définitions

2. Les définitions qui suivent s'appliquent au présent règlement.

«biphényles chlorés» Les biphényles chlorés inscrits à la liste des substances toxiques de l'annexe I de la *Loi canadienne sur la protection de l'environnement*. (*chlorobiphenyls*)

«transformateur électrique» Ensemble transformateur-redresseur installé dans une même enceinte. (*electrical transformers*)

Interdiction

3. (1) Sous réserve du paragraphe (2) et de l'article 4, il est interdit de fabriquer, de transformer, d'utiliser, de mettre en vente ou d'importer des biphényles chlorés à des fins de commerce, de fabrication ou de transformation :

a) pour l'exploitation de tout produit, de toute machinerie ou de tout équipement, à l'exclusion :

(i) des condensateurs électriques, des transformateurs électriques et de l'équipement électrique connexe,

(ii) de l'équipement caloporteur, de l'équipement hydraulique, des électro-aimants, à l'exception de ceux visés à l'alinéa *b*), et des pompes à diffusion conçus pour utiliser des biphényles chlorés et mis en service au Canada au plus tard le 1er septembre 1977,

(iii) de la machinerie ou de l'équipement destiné à détruire les biphényles chlorés;

b) pour l'exploitation d'électro-aimants servant à la manutention d'aliments destinés à l'homme ou aux animaux ou de leurs additifs;

c) comme composant de tout produit, de toute machinerie ou de tout équipement fabriqué ou importé au Canada le 1er septembre 1977 ou après cette date, à l'exclusion des condensateurs électriques, des transformateurs électriques et de l'équipement électrique connexe;

d) comme composant de condensateurs électriques, de transformateurs électriques et de l'équipement électrique connexe, fabriqués ou importés au Canada le 1er juillet 1980 ou après cette date;

e) pour la réparation ou l'entretien de tout produit, de toute machinerie ou de tout équipement, à l'exclusion des transformateurs électriques, de l'équipement électrique connexe et des électro-aimants, duquel les biphényles chlorés sont retirés afin de permettre la réparation et l'entretien;

f) comme nouveau fluide de remplissage ou fluide d'appoint pour la réparation ou l'entretien de tout électro-aimant, de tout transformateur électrique et de tout équipement électrique connexe.

(2) Le paragraphe (1) ne s'applique pas lorsque des biphényles chlorés se trouvent fortuitement dans un produit, de la machinerie ou de l'équipement et que leur quantité ou concentration ne vas pas à l'encontre de celle qu'exigent les règles de l'art en matière de fabrication.

Concentration in Products

4. (1) Subject to subsection (2), the concentration of chlorobiphenyls that may be contained in any liquid in products, machinery or equipment referred to in subparagraphs 3(1)(*a*)(i) or (ii) that are manufactured, imported or offered for sale in Canada shall not exceed 50 parts per million by weight of the liquid.

(2) The concentration permitted under subsection (1) does not apply in respect of concentrations of chlorobiphenyls in the liquid in any product, machinery or equipment referred to in subsection (1) where the product, machinery or equipment is

(*a*) offered for sale as a necessary and integral part of a building, plant or structure;

(*b*) imported for the destruction of the chlorobiphenyls contained in that product, machinery or equipment; or

(*c*) offered for sale for destruction or storage awaiting destruction of the chlorobiphenyls contained in that product.

Concentrations or Quantities that may be Released

5. (1) The concentration of chlorobiphenyls in any liquid that may be released into the environment, in the course of a commercial, manufacturing or processing activity in any geographical area of Canada, other than any water or place to which subsection 36(3) of the *Fisheries Act* applies, shall not exceed the concentration specified in subsection (2) in respect of that activity.

(2) For the purpose of subsection (1), the concentration that may be released

(*a*) is 50 parts per million by weight of the liquid in respect of a commercial, manufacturing or processing activity other than

(i) an application to a road surface, or

(ii) an activity described in section 6; and

(*b*) is 5 parts per million by weight of the liquid in respect of an application to a road surface.

6. The quantity of chlorobiphenyls that may be released into the environment shall not exceed 1 gram per day in respect of any item of equipment or any receptacle or material containing equipment in the course of the operation, servicing, maintenance, decommissioning, transporting or storage of

(*a*) electrical capacitors and electrical transformers and associated electrical equipment manufactured in or imported into Canada before July 1, 1980; or

(*b*) heat transfer equipment, hydraulic equipment, electromagnets and vapour diffusion pumps designed to use chlorobiphenyls and manufactured in or imported into Canada before September 1, 1977.

Concentration dans les produits

4. (1) Sous réserve du paragraphe (2), la concentration de biphényles chlorés d'un liquide contenu dans un produit, de la machinerie ou de l'équipement visé aux sous-alinéas 3(1)*a*)(i) ou (ii) qui est fabriqué, importé ou mis en vente au Canada, ne peut excéder 50 ppm en poids du liquide.

(2) La concentration prévue au paragraphe (1) ne s'applique pas au liquide contenu dans un produit, de la machinerie ou de l'équipement qui est :

a) mis en vente en tant que partie essentielle ou intégrante d'un immeuble, d'une installation ou d'une structure;

b) importé pour la destruction des biphényles chlorés qui y sont contenus;

c) mis en vente pour la destruction des biphényles chlorés qui y sont contenus ou entreposés préalablement à la destruction de ces biphényles chlorés.

Quantité ou concentration qui peut être rejetée

5. (1) La concentration de biphényles chlorés contenue dans tout liquide qui peut être rejetée dans l'environnement, dans une région du Canada, à l'exclusion des eaux ou des lieux visés au paragraphe 36(3) de la *Loi sur les pêches*, au cours d'une activité de commerce, de fabrication ou de transformation, ne peut excéder celle précisée au paragraphe (2) à l'égard de cette activité.

(2) Pour l'application du paragraphe (1), la concentration qui peut être rejetée est de :

a) 50 ppm en poids du liquide, à l'égard d'une activité de commerce, de fabrication ou de transformation à l'exclusion :

(i) du revêtement de la surface d'une route,

(ii) d'une activité visée à l'article 6;

b) 5 ppm en poids du liquide, à l'égard d'un revêtement de la surface d'une route.

6. La quantité de biphényles chlorés qui peut être rejetée dans l'environnement ne peut excéder 1 gramme par jour pour chaque pièce d'équipement, contenant ou emballage d'équipement au cours de l'exploitation, de la réparation, de l'entretien, de la mise hors service, du transport ou de l'entreposage de l'équipement suivant :

a) des condensateurs électriques, des transformateurs électriques et de l'équipement connexe, fabriqués ou importés au Canada avant le 1er juillet 1980;

b) de l'équipement caloporteur, de l'équipement hydraulique, des électro-aimants et des pompes à diffusion conçus pour utiliser des biphényles chlorés et fabriqués ou importés au Canada avant le 1er septembre 1977.

Registration
SOR/90-453 27 July, 1990

CANADIAN ENVIRONMENTAL PROTECTION ACT

PCB Waste Export Regulations

as am.
93-231
94-364

P.C. 1990-1593 27 July, 1990

Whereas, pursuant to subsection 48(1) of the Canadian Environmental Protection Act*, the Minister of the Environment published in the *Canada Gazette* Part I on February 24, 1990, a copy of the proposed Regulations respecting the offer to export or the export of PCB waste, substantially in the form annexed hereto;

Whereas, within sixty days after the publication of the proposed Regulations, pursuant to subsection 48(2) of the Canadian Environmental Protection Act*, persons filed with the Minister of the Environment notices of objection requesting that a board of review be established under section 89 of that Act and stated the reasons for the objections;

Whereas the Minister of the Environment did not establish a board of review requested pursuant to subsection 48(2) of the Canadian Environmental Protection Act*;

And Whereas, in the opinion of the Governor in Council, pursuant to subsection 34(3) of the Canadian Environmental Protection Act*, the annexed Regulations do not regulate an aspect of a substance that is regulated by or under any other Act of Parliament;

Therefore, His Excellency the Governor General in Council, pursuant to section 34** of the Canadian Environmental Protection Act*, on the recommendation of the Minister of the Environment and the Minister of National Health and Welfare and after the federal-provincial advisory committee has been given an opportunity to provide its advice under section 6 of that Act, is pleased hereby to make the annexed Regulations respecting the offer to export or the export of PCB waste and amending the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act.

* R.S., c. 16 (4th Supp.)
** S.C. 1989, c. 9, s. 2

Enregistrement
DORS/90-453 27 juillet 1990

LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT

Règlement sur l'exportation de déchets contenant des BPC

C.P. 1990-1593 27 juillet 1990

Attendu que, conformément au paragraphe 48(1) de la Loi canadienne sur la protection de l'environnement*, le ministre de l'Environnement a fait publier dans la *Gazette du Canada* Partie I le 24 février 1990 le projet de Règlement concernant l'offre aux fins d'exportation ou l'exportation de déchets contenant des BPC, conforme en substance au texte ci-après;

Attendu que des personnes intéressées ont, en vertu du paragraphe 48(2) de la Loi canadienne sur la protection de l'environnement*, déposé auprès du ministre de l'Environnement, dans les soixante jours suivant la publication du projet de règlement, un avis d'opposition motivé demandant la constitution de la commission de révision prévue à l'article 89 de cette loi;

Attendu que le ministre de l'Environnement n'a pas constitué la commission de révision demandée en vertu du paragraphe 48(2) de la Loi canadienne sur la protection de l'environnement*;

Attendu que, conformément au paragraphe 34(3) de la Loi canadienne sur la protection de l'environnement*, le gouverneur en conseil est d'avis que le règlement ci-après ne vise pas un point déjà réglementé sous le régime d'une autre loi fédérale,

À ces causes, sur recommandation du ministre de l'Environnement et du ministre de la Santé nationale et du Bien-être social et en vertu de l'article 34** de la Loi canadienne sur la protection de l'environnement*, et après avoir donné au comité consultatif fédéro-provincial la possibilité de formuler ses conseils dans le cadre de l'article 6 de cette loi, il plaît à Son Excellence le Gouverneur général en conseil de prendre le Règlement concernant l'offre aux fins d'exportation ou l'exportation de déchets contenant des BPC et visant à modifier la liste des substances toxiques de l'annexe I de la Loi canadienne sur la protection de l'environnement, ci-après.

* L.R., ch. 16 (4e suppl.)
** L.C. 1989, ch. 9, art. 2

REGULATIONS RESPECTING THE OFFER TO EXPORT OR THE EXPORT OF PCB WASTE AND AMENDING THE LIST OF TOXIC SUBSTANCES IN SCHEDULE I TO THE CANADIAN ENVIRONMENTAL PROTECTION ACT

Short Title

1. These Regulations may be cited as the *PCB Waste Export Regulations*.

Interpretation

2. In these Regulations,

"Act" means the *Canadian Environmental Protection Act*; (*Loi*)

"PCB" means any chlorobiphenyl referred to in column I of item 1 of the List of Toxic Substances in Schedule I to the Act; (*BPC*)

"PCB equipment" means any manufactured item, including any transformer or capacitor, that contains or is contaminated by a PCB liquid, PCB mixture or PCB solid; (*matériel contenant des BPC*)

"PCB liquid" means a liquid that contains more than 50 mg of PCB per kilogram of the liquid; (*liquide contenant des BPC*)

"PCB mixture" means a mixture that contains more than 50 mg of PCB per kilogram of the mixture; (*composé contenant des BPC*)

"PCB solid" means a solid that contains more than 50 mg of PCB per kilogram of the solid; (*solide contenant des BPC*)

"PCB waste" means any PCB liquid, PCB solid, PCB mixture or PCB equipment where that liquid, solid, mixture or equipment is no longer being used in Canada. (*déchet contenant des BPC*)

Prohibition

3. Subject to section 4, no person shall offer to export or export any PCB waste. SOR/93-231

Exemption

SOR/93-233 94-364

4. Section 3 does not apply to a person who offers to export or exports:

(*a*) any PCB waste to the United States where the Environmental Protection Agency has given prior consent in respect of the export; and CR mit more than

(*b*) any product that is in good working order and has a capacitor that contains less than 500 g of PCB and is an integral part of the product, where the capacitor is necessary for the operation of the product. SOR 93-234 94-364

Amendment of the List of Toxic Substances in Schedule I to the Act

5. Column II of item 1 of the List of Toxic Substances in Schedule I to the Act is amended by adding thereto, immediately after paragraph (*c*) thereof, the following paragraphs:

RÈGLEMENT CONCERNANT L'OFFRE AUX FINS D'EXPORTATION OU L'EXPORTATION DE DÉCHETS CONTENANT DES BPC ET VISANT À MODIFIER LA LISTE DES SUBSTANCES TOXIQUES DE L'ANNEXE I DE LA LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT

Titre abrégé

1. *Règlement sur l'exportation de déchets contenant des BPC.*

Définitions

2. Les définitions qui suivent s'appliquent au présent règlement.

«BPC» Tout biphényle chloré visé à l'article 1 de la liste des substances toxiques de l'annexe I de la Loi. (*PCB*)

«composé contenant des BPC» Tout mélange contenant plus de 50 mg de BPC par kg de mélange. (*PCB mixture*)

«déchet contenant des BPC» Un liquide contenant des BPC, un solide contenant des BPC, un composé contenant des BPC ou un matériel contenant des BPC lorsque ce liquide, ce solide, ce composé ou ce matériel n'est plus utilisé au Canada. (*PCB waste*)

«liquide contenant des BPC» Tout liquide qui contient plus de 50 mg de BPC par kg de liquide. (*PCB liquid*)

«Loi» La *Loi canadienne sur la protection de l'environnement*. (*Act*)

«matériel contenant des BPC» Tout article manufacturé, y compris tout transformateur et condensateur, qui renferme ou qui est contaminé avec un liquide contenant des BPC, un solide contenant des BPC ou un composé contenant des BPC. (*PCB equipment*)

«solide contenant des BPC» Tout solide contenant plus de 50 mg de BPC par kg de solide. (*PCB solid*)

Interdiction

3. Sous réserve de l'article 4, il est interdit d'offrir aux fins d'exportation ou d'exporter tout déchet contenant des BPC.

Exemption

4. L'article 3 ne s'applique pas à une personne qui offre aux fins d'exportation ou qui exporte :

a) aux États-Unis tout déchet contenant des BPC, à la condition que l'Environmental Protection Agency des États-Unis ait consenti au préalable à l'exportation du déchet;

b) tout produit en bon état de fonctionnement ayant un condensateur qui ne contient pas plus de 500 g de BPC, qui fait partie intégrante du produit et qui est nécessaire au fonctionnement du produit.

Modification de la liste des substances toxiques de l'annexe I de la Loi

5. La colonne II de l'article 1 de la liste des substances toxiques de l'annexe I de la Loi est modifiée par adjonction de ce qui suit :

Registration
SOR/92-507 27 August, 1992

CANADIAN ENVIRONMENTAL PROTECTION ACT

Storage of PCB Material Regulations

P.C. 1992-1842 27 August, 1992

Whereas, pursuant to subsection 48(1) of the Canadian Environmental Protection Act*, the Minister of the Environment published in the *Canada Gazette* Part I on June 9, 1992, a copy of the proposed Regulations respecting the storage of material containing chlorobiphenyls (PCBs) and amending the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act*, substantially in the form annexed hereto;

And Whereas, in the opinion of the Governor in Council, pursuant to subsection 34(3) of the Canadian Environmental Protection Act*, the annexed Regulations do not regulate an aspect of any substance that is regulated by or under any other Act of Parliament;

Therefore, His Excellency the Governor General in Council, pursuant to section 34** and subsection 87(2) of the Canadian Environmental Protection Act*, on the recommendation of the Minister of the Environment and the Minister of National Health and Welfare and after the federal-provincial advisory committee has been given an opportunity to provide its advice under section 6 of that Act, is pleased hereby to make the annexed Regulations respecting the storage of material containing chlorobiphenyls (PCBs) and amending the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act*.

REGULATIONS RESPECTING THE STORAGE OF MATERIAL CONTAINING CHLOROBIPHENYLS (PCBs) AND AMENDING THE LIST OF TOXIC SUBSTANCES IN SCHEDULE I TO THE CANADIAN ENVIRONMENTAL PROTECTION ACT

Short Title

1. These Regulations may be cited as the *Storage of PCB Material Regulations*.

Interpretation

2. In these Regulations,

* R.S., c. 16 (4th Supp.)
** S.C. 1989, c. 9, s. 2

Enregistrement
DORS/92-507 27 août 1992

LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT

Règlement sur le stockage des matériels contenant des BPC

C.P. 1992-1842 27 août 1992

Attendu que, conformément au paragraphe 48(1) de la Loi canadienne sur la protection de l'environnement*, le ministre de l'Environnement a fait publier dans la *Gazette du Canada* Partie I le 9 juin 1992 le projet de Règlement concernant le stockage des matériels contenant des biphényles chlorés (BPC) et visant à modifier la liste des substances toxiques de l'annexe I de la Loi canadienne sur la protection de l'environnement*, conforme en substance au texte ci-après;

Attendu que, conformément au paragraphe 34(3) de cette loi, le gouverneur en conseil est d'avis que le règlement ci-après ne vise pas un point déjà réglementé sous le régime d'une autre loi fédérale,

À ces causes, sur recommandation du ministre de l'Environnement et du ministre de la Santé nationale et du Bien-Être social et en vertu de l'article 34** et du paragraphe 87(2) de la Loi canadienne sur la protection de l'environnement* et après que le comité consultatif fédéro-provincial s'est vu accorder la possibilité de formuler ses conseils dans le cadre de l'article 6 de cette loi, il plaît à Son Excellence le Gouverneur général en conseil de prendre le Règlement concernant le stockage des matériels contenant des biphényles chlorés (BPC) et visant à modifier la liste des substances toxiques de l'annexe I de la Loi canadienne sur la protection de l'environnement*, ci-après.

RÈGLEMENT CONCERNANT LE STOCKAGE DES MATÉRIELS CONTENANT DES BIPHÉNYLES CHLORÉS (BPC) ET VISANT À MODIFIER LA LISTE DES SUBSTANCES TOXIQUES DE L'ANNEXE I DE LA LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT

Titre abrégé

1. *Règlement sur le stockage des matériels contenant des BPC.*

Définitions

2. Les définitions qui suivent s'appliquent au présent règlement.

* L.R., ch. 16 (4e suppl.)
** L.C. 1989, ch. 9, art. 2

"container" means any package, can, drum, tank or other receptacle, and includes a shipping container; (*récipient*)

"dangerous goods" means any dangerous goods within the meaning of section 2 of the *Transportation of Dangerous Goods Act*; (*marchandises dangereuses*)

"National Fire Code" means the National Fire Code of Canada 1990, NRCC No. 30621, issued by the Associate Committee on the National Fire Code, National Research Council of Canada, as amended from time to time; (*Code national de prévention des incendies*)

"PCB equipment" means any equipment, machinery or similar manufactured item, including a capacitor and an electrical transformer, that contains a PCB liquid, PCB solid or PCB substance; (*équipement contenant des BPC*)

"PCB liquid" means a liquid that contains more than 50 mg of PCBs per kilogram of the liquid; (*liquide contenant des BPC*)

"PCB material" means any PCB equipment, PCB liquid, PCB solid or PCB substance; (*matériel contenant des BPC*)

"PCB solid" means a solid that contains more than 50 mg of PCBs per kilogram of the solid; (*solide contenant des BPC*)

"PCB storage site" means a site referred to in section 4 that is used to store PCB material; (*dépôt de BPC*)

"PCB substance" means a substance, other than a PCB liquid or a PCB solid, that contains more than 50 mg of PCBs per kilogram of the substance; (*substance contenant des BPC*)

"PCBs" means any chlorobiphenyls referred to in column I of item 1 of the List of Toxic Substances in Schedule I to the *Canadian Environmental Protection Act*; (*BPC*)

"shipping container" means a structure for transporting commodities on trucks, railcars or ships that meets the requirements set out in the *Safe Containers Convention Act*. (*conteneur*)

«BPC» Tout biphényle chloré visé à la colonne I de l'article 1 de la liste des substances toxiques de l'annexe I de la *Loi canadienne sur la protection de l'environnement*. (*PCBs*)

«Code national de prévention des incendies» Le Code national de prévention des incendies du Canada 1990, CNRC N° 30622, avec ses modifications successives, publié par le Comité associé du Code national de prévention des incendies, Conseil national de recherches du Canada. (*National Fire Code*)

«conteneur» Ouvrage servant au transport de marchandises par camion, par wagon ou par bateau qui satisfait aux exigences de la *Loi de la convention sur la sécurité des conteneurs*. (*shipping container*)

«dépôt de BPC» Dépôt visé à l'article 4 qui sert au stockage des matériels contenant des BPC. (*PCB storage site*)

«équipement contenant des BPC» Tout équipement, machinerie ou article manufacturé semblable, y compris tout condensateur ou transformateur, qui renferme un liquide, un solide ou une substance contenant des BPC. (*PCB equipment*)

«liquide contenant des BPC» Tout liquide qui contient plus de 50 mg de BPC par kilogramme de liquide. (*PCB liquid*)

«marchandises dangereuses» S'entend au sens de l'article 2 de la *Loi sur le transport des marchandises dangereuses*. (*dangerous goods*)

«matériel contenant des BPC» Tout équipement, liquide, solide ou substance contenant des BPC. (*PCB material*)

«récipient» Tout emballage, boîte de métal, fût, réservoir ou autre réceptacle, y compris tout conteneur. (*container*)

«solide contenant des BPC» Tout solide qui contient plus de 50 mg de BPC par kilogramme de solide. (*PCB solid*)

«substance contenant des BPC» Toute substance, autre qu'un liquide ou un solide contenant des BPC, qui renferme plus de 50 mg de BPC par kilogramme de substance. (*PCB substance*)

Application

3. (1) Subject to subsections (2), (4) and (5), these Regulations apply in respect of any of the following PCB material that is not being used daily:

(*a*) PCB liquids in an amount of 100 L or more;

(*b*) PCB solids or PCB substances in an amount of 100 kg or more;

(*c*) PCB liquids, PCB solids or PCB substances, or any combination thereof, in an amount less than that referred to in paragraph (*a*) or (*b*), that contains 1 kg or more of PCBs; and

(*d*) PCB equipment that contains an amount of PCBs, PCB liquids, PCB solids or PCB substances referred to in any of paragraphs (*a*) to (*c*).

(2) Paragraph (1)(*d*) does not apply in respect of PCB equipment that is shut down for a period of less than six months.

Application

3. (1) Sous réserve des paragraphes (2), (4) et (5), le présent règlement s'applique aux matériels contenant des BPC suivants qui ne sont pas utilisés quotidiennement :

a) des liquides contenant des BPC, en une quantité de 100 L ou plus;

b) des solides ou des substances contenant des BPC, en une quantité de 100 kg ou plus;

c) des liquides, solides ou substances contenant des BPC, ou toute combinaison de ceux-ci, en des quantités moindres que celles visées aux alinéas *a*) ou *b*), qui renferment 1 kg ou plus de BPC;

d) tout équipement contenant des BPC qui renferme une quantité de BPC ou de liquides, solides ou substances contenant des BPC visée à l'un des alinéas *a*) à *c*).

(2) L'alinéa (1)*d*) ne s'applique pas à l'égard de l'équipement contenant des BPC qui est mis hors de service pour une période de moins de six mois.

(3) For the purposes of subsection (1), the amount of PCBs, PCB liquids, PCB solids or PCB substances, as the case may be, shall be considered to be the following:

(*a*) in the case of a person who owns, controls or possesses PCB material that is in or on a property or on a parcel of land, the aggregate of all amounts of PCBs, PCB liquids, PCB solids or PCB substances, as the case may be, owned, controlled or possessed by that person

(i) in or on the property,

(ii) on the parcel of land, including the parcel of land on which the property referred to in subparagraph (i) is located,

(iii) on any parcel of land adjoining the land referred to in subparagraph (ii), and

(iv) within 100 m of any point situated on the outer limits of the land referred to in subparagraph (ii) and of the adjoining land referred to in subparagraph (iii); and

(*b*) in the case of a person who owns or manages a property in or on which PCB material is located or a parcel of land on which PCB material is located, the aggregate of all amounts of PCBs, PCB liquids, PCB solids or PCB substances, as the case may be, located

(i) in or on that property,

(ii) on that parcel of land,

(iii) on any parcel of land owned or managed by that person adjoining the land referred to in subparagraph (ii), and

(iv) within 100 m of any point situated on the outer limits of the land referred to in subparagraph (ii) and of the adjoining land referred to in subparagraph (iii).

(4) These Regulations do not apply in respect of the handling, offering for transport or transporting of PCB material governed by the *Transportation of Dangerous Goods Act*.

(5) These Regulations do not apply to the Department of National Defence in respect of PCB equipment that is an integral part of tactical equipment, where the PCB equipment is in storage for future use.

(3) Pour l'application du paragraphe (1), la quantité de BPC ou de liquides, solides ou substances contenant des BPC, selon le cas, correspond à :

a) dans le cas de la personne qui est le propriétaire de matériels contenant des BPC ou qui en possède ou en contrôle, dans ou sur un bien ou sur un terrain, la somme de toutes les quantités de BPC ou de liquides, solides ou substances contenant des BPC, selon le cas, dont elle est le propriétaire ou qu'elle possède ou contrôle et qui se trouvent :

(i) dans ou sur ce bien,

(ii) sur ce terrain, y compris celui sur lequel se trouve le bien visé au sous-alinéa (i),

(iii) sur tout terrain contigu à celui visé au sous-alinéa (ii),

(iv) en deçà de 100 m de tout point situé sur les limites extérieures du terrain visé au sous-alinéa (ii) et du terrain contigu visé au sous-alinéa (iii);

b) dans le cas de la personne qui est le propriétaire ou le gestionnaire d'un bien dans ou sur lequel se trouve des matériels contenant des BPC ou d'un terrain sur lequel se trouvent de tels matériels, la somme de toutes les quantités de BPC ou de liquides, solides ou substances contenant des BPC, selon le cas, qui se trouvent :

(i) dans ou sur ce bien,

(ii) sur ce terrain,

(iii) sur tout terrain dont elle est le propriétaire ou le gestionnaire et qui est contigu à celui visé au sous-alinéa (ii),

(iv) en deçà de 100 m de tout point situé sur les limites extérieures du terrain visé au sous-alinéa (ii) et du terrain contigu visé au sous-alinéa (iii).

(4) Le présent règlement ne s'applique pas à la manutention, à l'offre de transport ou au transport de matériels contenant des BPC régis par la *Loi sur le transport des marchandises dangereuses*.

(5) Le présent règlement ne s'applique pas au ministère de la Défense nationale en ce qui a trait à l'équipement contenant des BPC qui fait partie intégrante de l'équipement tactique lorsque l'équipement contenant des BPC est entreposé pour utilisation ultérieure.

Storage of PCB Material

4. Every person who owns, controls or possesses PCB material, or who owns or manages a property in or on which PCB material is located or a parcel of land on which PCB material is located, shall store the PCB material at a site that is

(*a*) a building, room, shipping container or other structure; or

(*b*) an area that is enclosed by a woven mesh wire fence or any other fence or wall with similar security characteristics, where the fence or wall is at least 1.83 m high.

Stockage des matériels contenant des BPC

4. Toute personne qui est le propriétaire de matériels contenant des BPC ou qui en possède ou en contrôle ou toute personne qui est le propriétaire ou le gestionnaire d'un bien dans ou sur lequel se trouvent des matériels contenant des BPC ou d'un terrain sur lequel se trouvent de tels matériels doit stocker ces matériels dans un dépôt qui est :

a) soit un bâtiment, pièce, conteneur ou autre ouvrage;

b) soit un endroit entouré d'une clôture grillagée ou d'un autre genre de clôture ou d'un mur présentant des caractéristiques similaires sur le plan de la sécurité, la clôture ou le mur ayant au moins 1,83 m de haut.

5. Every person referred to in subsection 3(3) shall ensure that the requirements of these Regulations are met in respect of the PCB material.

General

6. Except where required for the purposes of treatment or destruction, no person shall mix or dilute any PCB liquid, PCB solid or PCB substance with any other substance.

7. (1) Every person who owns or manages a property in or on which PCB material is located, or a parcel of land on which PCB material is located, shall, at the request of an inspector, determine the concentration of PCBs in any substance found in or on that property or on that land.

(2) The concentration of PCBs in any substance referred to in subsection (1) shall be measured in accordance with *A Method for the Analysis of Polychlorinated Dibenzo-para-Dioxins (PCDDs), Polychlorinated Dibenzofurans (PCDFs) and Polychlorinated Biphenyls (PCBs) in Samples from the Incineration of PCB Waste*, reference method 1/RM/3 (revised), published in May 1990 by the Department of the Environment, as amended from time to time.

Access to PCB Storage Site

8. Every owner or manager of a PCB storage site shall

(*a*) keep the entrance to the site locked or guarded;

(*b*) maintain at the site a register that contains the name of each person, and the name, address and telephone number of that person's place of business,

(i) who is authorized by the owner or manager to enter the site, and

(ii) who enters the site; and

(*c*) permit only authorized persons to enter the site.

Storage Requirements

9. Every owner or manager of a PCB storage site

(*a*) shall store all PCB liquid in

(i) sealed containers, other than drums, that are made of steel or other metals that provide sufficient durability and strength to prevent the PCB liquid from being affected by the weather or released, or

(ii) drums that are

(A) of a capacity not greater than 205 L,

(B) a closed-head double-bung drum made of steel having a gauge of 16 or heavier, and

(C) painted or treated to prevent rusting;

(*b*) shall store all PCB solids and PCB substances in

(i) containers, other than drums, that are made of steel or other materials that provide sufficient durability and strength to prevent the PCB solids and PCB substances from being affected by the weather or released, or

5. Toute personne visée au paragraphe 3(3) doit veiller à ce que les exigences du présent règlement soient respectées à l'égard de ces matériels.

Dispositions générales

6. Il est interdit de mélanger ou de diluer des liquides, des solides ou des substances contenant des BPC avec toute autre substance, sauf si cette opération s'impose à des fins de traitement ou la destruction.

7. (1) Toute personne qui est le propriétaire ou le gestionnaire d'un bien dans ou sur lequel se trouvent des matériels contenant des BPC ou d'un terrain sur lequel se trouvent de tels matériels doit, à la demande de l'inspecteur, déterminer la concentration de BPC dans toute substance qui se trouve dans ou sur ce bien ou sur ce terrain.

(2) La concentration de BPC dans toute substance visée au paragraphe (1) est déterminée conformément à la *Méthode d'analyse des polychlorodibenzoparadioxines (PCDD), des polychlorodibenzofuranes (PCDF) et des polychlorobiphényles (PCB) dans les échantillons de résidus de combustion d'incinérateurs de PCB*, méthode de référence SPE 1/RM/3 (révisée), avec ses modifications successives, publiée en mai 1990 par le ministère de l'Environnement.

Accès au dépôt de BPC

8. Le propriétaire ou le gestionnaire du dépôt de BPC :

a) tient l'entrée du dépôt verrouillée ou s'assure qu'elle est gardée;

b) y tient un registre où figurent le nom des personnes suivantes, ainsi que les nom, adresse et numéro de téléphone de leur établissement de travail :

(i) celles qui sont autorisées par lui à entrer dans le dépôt,

(ii) celles qui y entrent;

c) permet seulement aux personnes autorisées d'y entrer.

Exigences relatives au stockage

9. Le propriétaire ou le gestionnaire du dépôt de BPC :

a) stocke les liquides contenant des BPC dans :

(i) soit des récipients étanches, autres que des fûts, faits d'acier ou d'autres métaux offrant une durabilité et une solidité suffisantes pour que ces liquides ne soient pas affectés par les conditions climatiques ni rejetés,

(ii) soit des fûts qui, à la fois :

(A) ont une capacité d'au plus 205 L,

(B) sont faits d'acier d'épaisseur minimale 16, ont un dessus non amovible et sont munis de deux bondes,

(C) sont enduits d'une peinture ou d'un revêtement antirouille;

b) stocke les solides et les substances contenant des BPC dans :

(i) soit des récipients, autres que des fûts, faits d'acier ou d'autres matériaux offrant une durabilité et une

(ii) drums that are

(A) of a capacity not greater than 205 L,

(B) made of steel having a gauge of 18 or heavier,

(C) equipped with a securely attached, removable steel lid and a gasket made of material that is resistant to the PCB solid or PCB substance, or any PCB liquid in the PCB equipment, being stored, and

(D) painted or treated to prevent rusting;

(*c*) may store PCB equipment containing PCB liquid in

(i) containers, other than drums, that are made of steel or other materials that provide sufficient durability and strength to prevent the PCB equipment from being affected by the weather, and to prevent any PCB liquid that leaks from the PCB equipment from being released, or

(ii) drums described in subparagraph (*b*)(ii);

(*d*) shall store all PCB equipment that is not in a container, other than drained PCB equipment, where that equipment contains PCB liquid, and all containers of PCB liquid, on a floor or surface that is made of steel, concrete or any other similar durable material, and that is constructed with curbing or sides that are capable of containing

(i) where one piece of equipment or one container is being stored, 125 per cent of the volume of the PCB liquid in the equipment or container, and

(ii) where more than one piece of equipment or more than one container is being stored, the greater of twice the volume of the PCB liquid in the largest piece of equipment or the largest container or 25 per cent of the volume of all the PCB liquid stored on the floor or surface;

(*e*) shall, where the material of the floor or surface or the curbing or sides referred to in paragraph (*d*) are capable of absorbing any PCB liquid or PCB substance, seal the floor, surface, curbing or sides with an impervious, durable, PCB-resistant coating;

(*f*) shall ensure that all floor drains, sumps or other openings in the floor or surface referred to in paragraph (*d*) are

(i) closed and sealed to prevent the release of liquids, or

(ii) connected to a drainage system suitable for liquid dangerous goods that terminates at a location where any spilled liquids will be contained and recovered and where the spilled liquids will not create a fire hazard or a risk to public health or safety;

(*g*) shall place on skids or pallets all PCB equipment and containers of PCB material that are not permanently secured to the floor or a surface;

(*h*) shall stack containers of PCB material, other than drums, only if the containers are designed for stacking, and shall stack containers of PCB liquid not more than two containers high;

(*i*) shall, where drums containing PCB material are stacked, separate the drums from each other by pallets and, in the case of drums of PCB liquid, stack the drums not more than two drums high;

solidité suffisantes pour que ces solides et ces substances ne soient pas affectés par les conditions climatiques ni rejetés,

(ii) soit des fûts qui, à la fois :

(A) ont une capacité d'au plus 205 L,

(B) sont faits d'acier d'épaisseur minimale 18,

(C) sont dotés d'un couvercle d'acier amovible solidement fixé et d'un joint fait d'un matériau résistant aux solides et aux substances contenant des BPC et aux liquides contenant des BPC dans tout équipement contenant des BPC qui sont stockés,

(D) sont enduits d'une peinture ou d'un revêtement antirouille;

c) peut stocker l'équipement contenant des BPC qui renferme des liquides contenant des BPC dans :

(i) soit des récipients, autres que des fûts, faits d'acier ou d'autres matériaux offrant une durabilité et une solidité suffisantes pour que cet équipement ne soit pas affecté par les conditions climatiques et que les liquides, s'ils fuient de l'équipement, ne soient pas rejetés,

(ii) soit dans les fûts visés au sous-alinéa *b*)(ii);

d) stocke tout l'équipement contenant des BPC qui renferme des liquides contenant des BPC et qui n'est pas dans un récipient, autre que l'équipement contenant des BPC vidangé, et tous les récipients qui renferment des liquides contenant des BPC, sur un plancher ou une surface fait d'acier, de béton ou d'un autre matériau durable semblable et entouré d'un rebord ou de côtés capables de retenir :

(i) lorsqu'une seule pièce d'équipement ou un seul récipient est stocké, 125 pour cent du volume des liquides contenant des BPC que renferme cette pièce d'équipement ou ce récipient,

(ii) lorsque plus d'une pièce d'équipement ou plus d'un récipient est stocké, le plus élevé des volumes suivants : le double du volume des liquides contenant des BPC que renferme la plus grosse pièce d'équipement ou le plus grand récipient ou 25 pour cent du volume de l'ensemble des liquides contenant des BPC qui sont stockés sur le plancher ou la surface;

e) scelle, au moyen d'un revêtement étanche, durable et résistant aux BPC, le plancher ou la surface ou le rebord ou les côtés visés à l'alinéa *d*), lorsqu'ils sont capables d'absorber des liquides ou des substances contenant des BPC;

f) s'assure que les drains de sol, les puisards et les autres ouvertures dans le plancher ou la surface visés à l'alinéa *d*) sont, selon le cas :

(i) obturés et scellés pour empêcher le rejet de liquides,

(ii) reliés à un réseau de drainage convenant aux marchandises dangereuses liquides, qui se jette dans un lieu où les liquides déversés seront confinés et récupérés et où ils ne constitueront pas un risque d'incendie ni un risque pour la santé et la sécurité publiques;

(*j*) shall store PCB equipment and containers of PCB material in a manner that makes them accessible for inspection;

(*k*) shall store PCB material in a manner that prevents it from catching fire or being released;

(*l*) shall store PCB material together, and separate from other stored materials;

(*m*) shall, where reasonably practicable, equip any indoor PCB storage site having a mechanical exhaust system with heat or smoke sensory controls that stop the fan and close the intake and exhaust dampers in the event of a fire;

(*n*) shall, where PCB equipment or containers of PCB liquid are stored outdoors, cover all PCB equipment that is not in a container, other than drained PCB equipment, where that PCB equipment contains PCB liquid, and all containers of PCB liquid, by a weatherproof roof or barrier that protects the PCB equipment or containers and prevents rain or snow from entering the curbing or sides of the floor or surface under them; and

(*o*) shall ensure that all drained PCB equipment and all containers of any PCB solid or PCB equipment are structurally sound and weatherproof where stored outdoors.

Fire Protection and Emergency Procedures

10. (1) Every owner or manager of a PCB storage site shall

(*a*) subject to subsection (2),

(i) develop and have in effect at the PCB storage site a fire protection and emergency procedures plan,

(ii) deposit one copy of the plan with the local fire department, and

(iii) keep one copy of the plan at the PCB storage site and another copy at the owner or manager's place of business;

(*b*) ensure that all employees who are authorized to enter the PCB storage site are familiar with the contents of the fire protection and emergency procedures plan;

(*c*) equip, except where the site is in a remote location and it is not possible to do so, an indoor PCB storage site

g) place sur des patins ou des palettes l'équipement contenant des BPC et les récipients de matériels contenant des BPC qui ne sont pas fixés de façon permanente au plancher ou à une surface;

h) empile les récipients de matériels contenant des BPC, autres que les fûts, seulement s'ils sont conçus à cette fin et, dans le cas des récipients de liquides contenant des BPC, ne les empile pas à plus de deux récipients de haut;

i) s'ils sont empilés, sépare les fûts de matériels contenant des BPC les uns des autres par des palettes et, dans le cas des fûts de liquides contenant des BPC, ne les empile pas à plus de deux fûts de haut;

j) place l'équipement contenant des BPC et les récipients de matériels contenant des BPC de manière à ce qu'ils soient accessibles à des fins d'inspection;

k) stocke les matériels contenant des BPC de façon à empêcher leur inflammation ou leur rejet;

l) stocke les matériels contenant des BPC ensemble, à l'écart des autres matériels stockés;

m) dans la mesure du possible, munit tout dépôt de BPC intérieur ayant un dispositif mécanique de ventilation de commandes sensibles à la chaleur ou à la fumée qui, en cas d'incendie, arrêtent le ventilateur et ferment les registres d'admission et d'évacuation d'air;

n) couvre l'équipement contenant des BPC qui n'est pas dans un récipient et qui renferme des liquides contenant des BPC et les récipients de tels liquides, autre que l'équipement contenant des BPC vidangé, lorsqu'ils sont stockés dehors, d'une toiture ou d'un écran à l'épreuve des intempéries qui les protège et empêche la pluie et la neige de pénétrer à l'intérieur du rebord ou des côtés du plancher ou de la surface sur lesquels ils sont posés;

o) s'assure que l'équipement contenant des BPC vidangé et les récipients qui renferment des solides ou de l'équipement contenant des BPC, lorsqu'ils sont stockés dehors, ont une structure en bon état et sont à l'épreuve des intempéries.

Protection contre les incendies et mesures d'urgence

10. (1) Le propriétaire ou le gestionnaire du dépôt de BPC :

a) sous réserve du paragraphe (2) :

(i) élabore un plan d'intervention d'urgence et de lutte contre les incendies et le met en oeuvre au dépôt de BPC,

(ii) remet un exemplaire de ce plan au service d'incendie local,

(iii) conserve un exemplaire de ce plan au dépôt de BPC et à son établissement;

b) s'assure que tous les employés autorisés à entrer dans le dépôt de BPC connaissent bien le contenu du plan;

c) munit le dépôt de BPC intérieur, sauf celui qui est dans un endroit isolé où cela n'est pas possible, d'un système d'alarme-incendie en état de fonctionnement qui est en-

with a fully operative fire alarm system that is maintained, inspected and tested in accordance with articles 6.3.1.1 to 6.3.1.3 of the National Fire Code and with

(i) portable fire extinguishers that meet the standards of article 6.2.1.2 of the National Fire Code and that are selected, installed, maintained, inspected and tested in accordance with articles 6.2.1.1 and 6.2.4.1 of that Code, or

(ii) an automatic fire suppression system, as and where required by article 3.3.6.9 of the National Fire Code;

(*d*) subject to subsection (2), provide the local fire department with a copy of the records and information referred to in section 16;

(*e*) ensure that all employees who are authorized to enter the PCB storage site are made aware of the hazards of PCBs and are familiar with the use of protective equipment and clothing and the clean-up procedures referred to in the "Guidelines for the Management of Wastes Containing Polychlorinated Biphenyls (PCBs)", CCME-TS/WM-TRE008, September 1989, issued by the Canadian Council of Ministers of the Environment, as amended from time to time; and

(*f*) store absorbent materials for clean-up near the PCB storage site.

(2) Where there is no local fire department, the owner or manager of the PCB storage site shall

(*a*) develop and have in effect at the PCB storage site a fire protection and emergency procedures plan;

(*b*) provide one copy of the plan to the local officer appointed by the provincial Fire Marshall or to any other local authority responsible for fire protection, together with a copy of the records and information referred to in section 16; and

(*c*) keep one copy of the plan at the site and another copy at the owner or manager's place of business.

Maintenance and Inspection

11. Every owner or manager of a PCB storage site shall

(*a*) inspect all floors, curbing, sides, drains, drainage systems, weatherproof roofs or barriers, fences and walls of the PCB storage site, any fire alarm system, fire extinguishers and fire suppression system, and all PCB equipment, containers used for the storage of PCB material and materials for clean-up at the PCB storage site

(i) each month,

(ii) at intervals of more than one month, where the Minister, on the written request of the owner or manager, has determined that it is not reasonably practicable to inspect the site each month, due to its remote location, or

(iii) at intervals of less than one month, where the Minister has determined that more frequent inspections are necessary for the safe operation of the site; and

(*b*) keep in good condition and, if damaged, immediately repair or replace such floors, curbing, sides, drains, drain-

tretenu, inspecté et mis à l'essai conformément aux exigences des articles 6.3.1.1 à 6.3.1.3 du Code national de prévention des incendies, ainsi que du matériel suivant :

(i) soit des extincteurs portatifs qui satisfont aux normes énoncées à l'article 6.2.1.2 du Code national de prévention des incendies et qui sont choisis, installés, entretenus, inspectés et mis à l'essai conformément aux exigences des articles 6.2.1.1 et 6.2.4.1 du Code,

(ii) soit d'un réseau d'extinction automatique conforme aux exigences de l'article 3.3.6.9 du Code national de prévention des incendies, lorsque celles-ci s'appliquent;

d) sous réserve du paragraphe (2), remet une copie des registres et des renseignements visés à l'article 16 au service d'incendie local;

e) s'assure que tous les employés autorisés à entrer dans le dépôt de BPC sont informés des dangers que présentent les BPC et connaissent bien l'utilisation du matériel et des vêtements de protection et les méthodes de nettoyage mentionnées dans le «Guide pour la gestion des déchets contenant des biphényles polychlorés (BPC)» CCME-TS/WM-TRE008, septembre 1989, avec ses modifications successives, publié par le Conseil canadien des ministres de l'Environnement;

f) garde les matériels absorbants servant au nettoyage près du dépôt de BPC.

(2) À défaut d'un service d'incendie local, le propriétaire ou le gestionnaire du dépôt de BPC :

a) élabore un plan d'intervention d'urgence et de lutte contre les incendies et le met en oeuvre au dépôt de BPC;

b) remet un exemplaire du plan au fonctionnaire local nommé par le commissaire provincial aux incendies ou à toute autre autorité locale chargée de la protection contre les incendies, ainsi qu'une copie des registres et des renseignements visés à l'article 16;

c) conserve un exemplaire du plan au dépôt et à son établissement.

Entretien et inspection

11. Le propriétaire ou le gestionnaire du dépôt de BPC :

a) inspecte les planchers, les rebords, les côtés, les drains, les réseaux de drainage, les toitures ou écrans à l'épreuve des intempéries, les clôtures et les murs du dépôt de BPC, ainsi que le système d'alarme-incendie, les extincteurs et le réseau d'extinction automatique, l'équipement contenant des BPC, les récipients servant au stockage des matériels contenant des BPC et les agents de nettoyage du dépôt :

(i) tous les mois,

(ii) à des intervalles de plus d'un mois, lorsque le ministre, à la demande écrite du propriétaire ou du gestionnaire, a déterminé qu'il n'est pas pratique d'inspecter le dépôt tous les mois en raison de son emplacement isolé,

(iii) à des intervalles de moins d'un mois, lorsque le ministre a déterminé que l'exploitation du dépôt en toute sécurité exige des inspections plus fréquentes;

age systems, weatherproof roofs or barriers, fences, walls, fire alarm system, fire extinguishers, fire suppression system, PCB equipment and containers and immediately clean up any contaminated area.

Labelling Requirements

12. Every owner or manager of a PCB storage site shall

(*a*) affix to every capacitor that is PCB equipment that contains 0.5 kg or more of PCBs, other than a capacitor that was stored in a container before February 20, 1989,

(i) a black and white label measuring 76 mm by 76 mm that bears a number registered with the Department of the Environment, in the form illustrated in Figure 1 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs and that bears a number that has been provided to the Department of the Environment;

(*b*) affix to any container in which a capacitor that contains 0.5 kg or more of PCBs is stored

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 3 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs;

(*c*) affix to PCB equipment and containers of PCB equipment, other than capacitors or containers in which capacitors are stored, where the equipment contains PCB liquid in a concentration greater than 50 mg of PCBs per kilogram of the PCB liquid but not greater than 10 000 mg of PCBs per kilogram of the PCB liquid (1 per cent),

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 4 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs;

(*d*) affix to containers of PCB material, other than containers in which PCB equipment is stored, and drained containers of such PCB material, where the PCB material is in a concentration greater than 50 mg of PCBs per kilogram of the PCB material but not greater than 10 000 mg of PCBs per kilogram of the PCB material (1 per cent)

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 4 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs;

(*e*) affix to PCB equipment that contains PCB liquid in a concentration greater than 10 000 mg of PCBs per kilogram of the PCB liquid (1 per cent)

b) garde en bon état et, en cas de dommage, répare ou remplace immédiatement les planchers, les rebords, les côtés, les drains, les réseaux de drainage, les toitures ou écrans à l'épreuve des intempéries, les clôtures, les murs, le système d'alarme-incendie, les extincteurs, le réseau d'extinction automatique, l'équipement contenant des BPC et les récipients et nettoie sur-le-champ les aires contaminées.

Étiquetage

12. Le propriétaire ou le gestionnaire du dépôt de BPC doit faire en sorte que soit apposée :

a) sur tout condensateur qui est une pièce d'équipement contenant des BPC et qui renferme 0,5 kg ou plus de BPC, à l'exception des condensateurs stockés dans un récipient avant le 20 février 1989 :

(i) soit l'étiquette noire et blanche de 76 mm de côté portant un numéro enregistré auprès du ministère de l'Environnement, qui est illustrée à la figure 1 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables portant un numéro communiqué au ministère de l'Environnement et indiquant la présence de BPC;

b) sur tout récipient dans lequel est stocké un condensateur renfermant 0,5 kg ou plus de BPC :

(i) soit l'étiquette noire et blanche de 150 mm de côté illustrée à la figure 3 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables indiquant la présence de BPC;

c) sur l'équipement contenant des BPC et sur les récipients d'un tel équipement, sauf les condensateurs et les récipients dans lesquels sont stockés des condensateurs, lorsque l'équipement renferme des liquides contenant des BPC en une concentration supérieure à 50 mg de BPC par kilogramme de liquide mais égale ou inférieure à 10 000 mg de BPC par kilogramme de liquide (1 pour cent) :

(i) soit l'étiquette noire et blanche de 150 mm de côté illustrée à la figure 4 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables indiquant la présence de BPC;

d) sur les récipients de matériels contenant des BPC, à l'exception de ceux dans lesquels est stocké de l'équipement contenant des BPC, et sur les récipients vidangés de tels matériels, lorsque la concentration de ces matériels est supérieure à 50 mg de BPC par kilogramme de matériels mais égale ou inférieure à 10 000 mg de BPC par kilogramme de matériels (1 pour cent) :

(i) soit l'étiquette noire et blanche de 150 mm de côté illustrée à la figure 4 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables indiquant la présence de BPC;

e) sur l'équipement contenant des BPC qui renferme des liquides contenant des BPC en une concentration supérieure à 10 000 mg de BPC par kilogramme de liquide (1 pour cent) :

(i) a black and white label measuring 150 mm by 150 mm that bears a number registered with the Department of the Environment, in the form illustrated in Figure 2 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs and that bears a number that has been provided to the Department of the Environment;

(*f*) affix to containers of PCB material, other than containers in which capacitors are stored, and drained containers of such PCB material, where the PCB material is in a concentration greater than 10 000 mg of PCBs per kilogram of the PCB material (1 per cent)

(i) a black and white label measuring 150 mm by 150 mm in the form illustrated in Figure 3 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs and that bears a number that has been provided to the Department of the Environment; and

(*g*) affix to entrances to PCB storage sites

(i) a black and white label measuring 150 mm by 150 mm, in the form illustrated in Figure 3 of the schedule, or

(ii) another label of similar dimensions that indicates the presence of PCBs.

Records

13. Every owner or manager of a PCB storage site shall maintain, and have available for review by an inspector, a record containing the following information in respect of all PCB equipment and containers of PCB material at the PCB storage site, including every container of PCB material that is found in another container:

(*a*) the name-plate description, the manufacturer's serial number, any number for the PCB material that is registered with or provided to the Department of the Environment, the quantity of any PCB liquid, PCB solid or PCB substance contained in each piece of PCB equipment and in each container and the location of the PCB equipment and the containers at the PCB storage site;

(*b*) in the case of PCB material received at the PCB storage site,

(i) the address or location from which the PCB material was received,

(ii) the name of the individual who received the PCB material at the site,

(iii) the date of receipt,

(iv) the name of the carrier, and

(v) the information set out in paragraph (*a*) that is applicable to that PCB material; and

(*c*) in the case of PCB material removed from the PCB storage site,

(i) the destination of the PCB material,

(ii) the name of the individual who authorized the transport of the PCB material,

(iii) the date of removal,

(i) soit l'étiquette noire et blanche de 150 mm de côté portant un numéro enregistré auprès du ministère de l'Environnement, qui est illustrée à la figure 2 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables portant un numéro communiqué au ministère de l'Environnement et indiquant la présence de BPC;

f) sur les récipients de matériels contenant des BPC, à l'exception de ceux dans lesquels sont stockés des condensateurs, et sur les récipients vidangés de tels matériels, lorsque la concentration de ces matériels est supérieure à 10 000 mg de BPC par kilogramme de matériels (1 pour cent) :

(i) soit l'étiquette noire et blanche de 150 mm de côté qui est illustrée à la figure 3 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables portant un numéro communiqué au ministère de l'Environnement et indiquant la présence de BPC;

g) aux entrées des dépôts de BPC :

(i) soit l'étiquette noire et blanche de 150 mm de côté illustrée à la figure 3 de l'annexe,

(ii) soit une autre étiquette de dimensions semblables indiquant la présence de BPC.

Registres

13. Le propriétaire ou le gestionnaire du dépôt de BPC tient, en ce qui concerne l'équipement contenant des BPC et les récipients de matériels contenant des BPC au dépôt de BPC, y compris tout récipient de tels matériels qui se trouve dans un autre récipient, un registre qu'il tient à la disposition de l'inspecteur pour examen et dans lequel sont consignés :

a) la mention que porte la plaque d'identification, le numéro de série du fabricant, tout numéro pour les matériels contenant des BPC qui est enregistré auprès du ministère de l'Environnement ou qui lui est communiqué, la quantité de liquides, de solides ou de substances contenant des BPC que renferme chaque pièce d'équipement contenant des BPC et chaque récipient, ainsi que leur emplacement au dépôt;

b) dans le cas des matériels contenant des BPC qui sont reçus au dépôt :

(i) l'adresse ou le lieu de leur provenance,

(ii) le nom du réceptionnaire,

(iii) la date de réception,

(iv) le nom du transporteur,

(v) les renseignements visés à l'alinéa *a*) qui s'appliquent aux matériels;

c) dans le cas des matériels contenant des BPC qui sont enlevés du dépôt :

(i) leur destination,

(ii) le nom de la personne ayant autorisé leur transport,

(iii) la date de leur enlèvement,

(iv) the name of the carrier, and

(v) the information set out in paragraph (*a*) that is applicable to that PCB material.

14. Every owner or manager of a PCB storage site shall keep, and have available for review by an inspector, a record of all inspections conducted at the PCB storage site under paragraph 11(*a*), which record shall

(*a*) list all items that are inspected;

(*b*) describe any deficiency found; and

(*c*) set out the measures taken to remedy the deficiency.

15. Every owner or manager of a PCB storage site who is required to maintain a record pursuant to section 13 shall retain the record for not less than five years after the removal of all PCB material from the PCB storage site.

Reporting Requirements

16. The owner or manager of a PCB storage site shall submit in writing to the Minister, care of the Regional Director of Environmental Protection, Department of the Environment, located in the same province as the PCB storage site,

(*a*) a copy of the record referred to in section 13 within 90 days after the day on which these Regulations come into force or, in the case of a PCB storage site established after that day, within 30 days after the site has been established;

(*b*) where PCB material is received at or removed from a PCB storage site, a copy of the information referred to in paragraphs 13(*b*) and (*c*)

(i) on January 1 and July 1 of each year, for capacitors containing less than 0.5 kg of PCBs, and

(ii) within 30 days after the date of receipt or removal, for any other PCB material; and

(*c*) information in respect of any change in the name or address of the owner or manager and any change in the location at the site of any PCB equipment or container of PCB material, within 30 days after the change.

Amendment to the List of Toxic Substances in Schedule I to the Canadian Environmental Protection Act

17. All that portion of item 1 of the List of Toxic Substances in Schedule I to the *Canadian Environmental Protection Act* in column II[1] thereof is amended by adding thereto, immediately after paragraph (*e*) thereof, the following paragraph:

	Column II
Item	Type of Regulation Applicable
1.	"(*f*) Storage of PCB material"

[1] SOR/90-453, 1990 *Canada Gazette* Part II, p. 3397

(iv) le nom du transporteur,

(v) les renseignements visés à l'alinéa *a*) qui s'appliquent aux matériels.

14. Le propriétaire ou le gestionnaire du dépôt de BPC tient un registre de toutes les inspections effectuées au dépôt aux termes de l'alinéa 11*a*) et le tient à la disposition de l'inspecteur pour examen, lequel registre :

a) énumère tous les points inspectés;

b) indique toutes les lacunes relevées;

c) énonce les mesures à prendre pour y remédier.

15. Le propriétaire ou le gestionnaire du dépôt de BPC tenu de tenir un registre conformément à l'article 13 doit conserver celui-ci pendant au moins cinq ans après l'enlèvement, du dépôt, de tous les matériels contenant des BPC.

Rapports

16. Le propriétaire ou le gestionnaire du dépôt de BPC présente par écrit au ministre, aux soins du directeur régional de la Protection de l'environnement, du ministère de l'Environnement, situé dans la même province que le dépôt de BPC :

a) une copie du registre visé à l'article 13, dans les 90 jours suivant la date d'entrée en vigueur du présent règlement ou, s'il s'agit d'un dépôt de BPC mis sur pied après cette date, dans les 30 jours suivant sa mise sur pied;

b) lorsque des matériels contenant des BPC sont reçus au dépôt ou en sont enlevés, une copie des renseignements visés aux alinéas 13*b*) et *c*) :

(i) le 1er janvier et le 1er juillet de chaque année, pour chaque condensateur renfermant moins de 0,5 kg de BPC,

(ii) dans les 30 jours suivant la date de réception ou d'enlèvement pour tout autre matériel contenant des BPC;

c) tout changement de nom ou d'adresse du propriétaire ou du gestionnaire et tout changement d'emplacement, au dépôt, de tout équipement contenant des BPC ou de récipients renfermant des matériels contenant des BPC, dans les 30 jours suivant le changement.

Modification de la liste des substances toxiques de l'annexe I de la Loi canadienne sur la protection de l'environnement

17. La colonne II[1] de l'article 1 de la liste des substances toxiques de l'annexe I de la *Loi canadienne sur la protection de l'environnement* est modifiée par adjonction de ce qui suit :

	Colonne II
Article	Type de règlement applicable
1.	«*f*) Stockage des matériels contenant des BPC»

[1] DORS/90-453, *Gazette du Canada* Partie II, 1990, p. 3397

SCHEDULE/ANNEXE

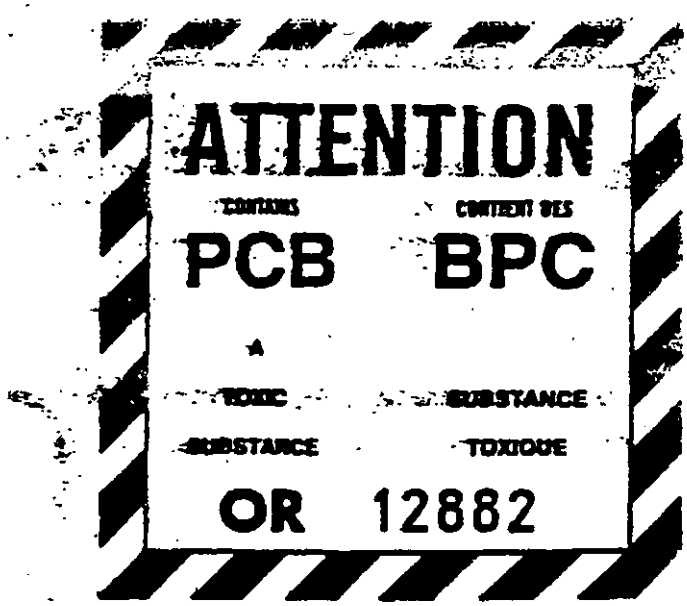

Figure 1

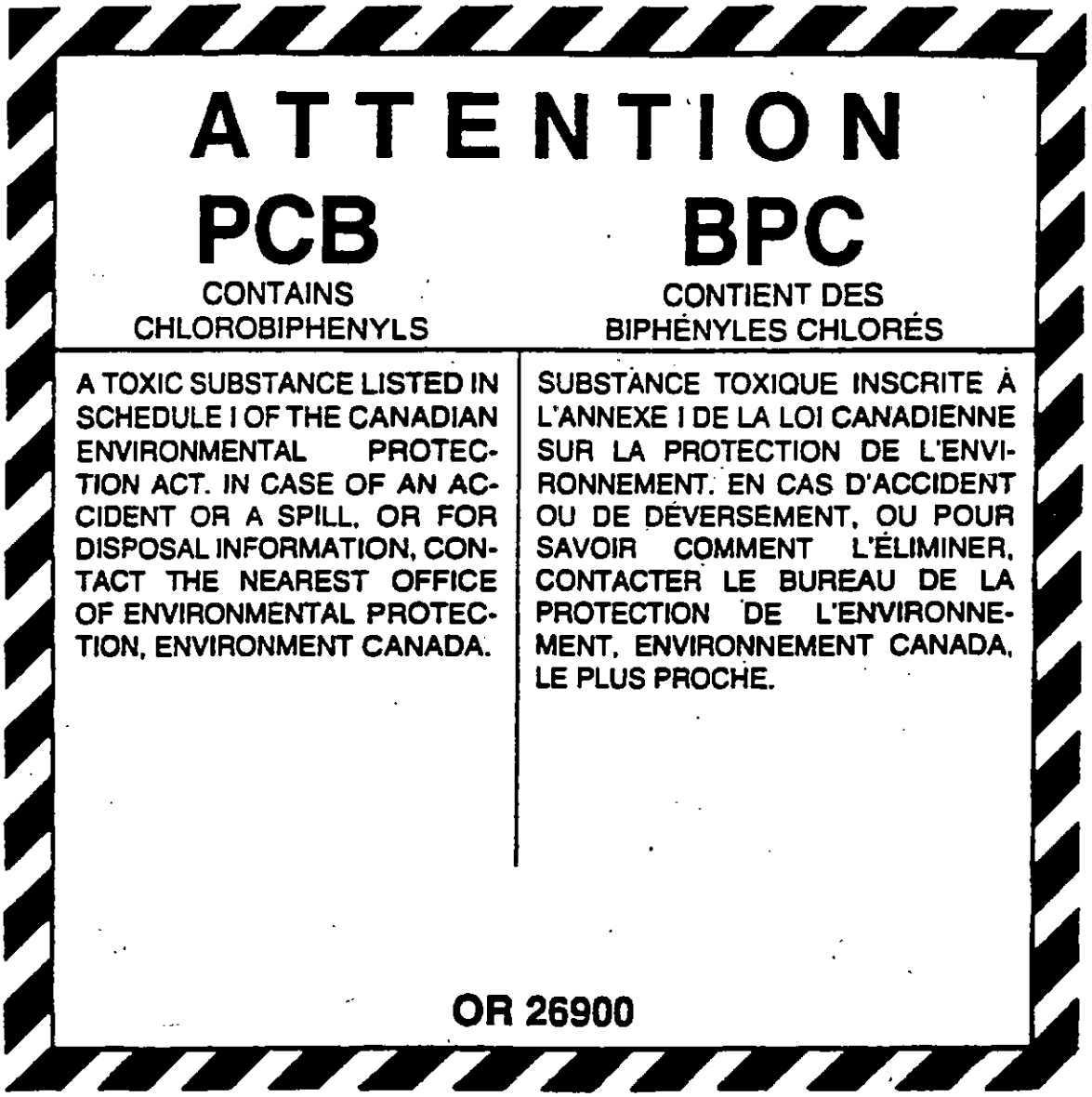
ATTENTION
PCB
CONTAINS
CHLOROBIPHENYLS
BPC
CONTIENT DES
BIPHÉNYLES CHLORÉS
A TOXIC SUBSTANCE LISTED IN SCHEDULE I OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT. IN CASE OF AN ACCIDENT OR A SPILL, OR FOR DISPOSAL INFORMATION, CONTACT THE NEAREST OFFICE OF ENVIRONMENTAL PROTECTION, ENVIRONMENT CANADA.
SUBSTANCE TOXIQUE INSCRITE À L'ANNEXE I DE LA LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT. EN CAS D'ACCIDENT OU DE DÉVERSEMENT, OU POUR SAVOIR COMMENT L'ÉLIMINER, CONTACTER LE BUREAU DE LA PROTECTION DE L'ENVIRONNEMENT, ENVIRONNEMENT CANADA, LE PLUS PROCHE.
OR 26900

Figure 2

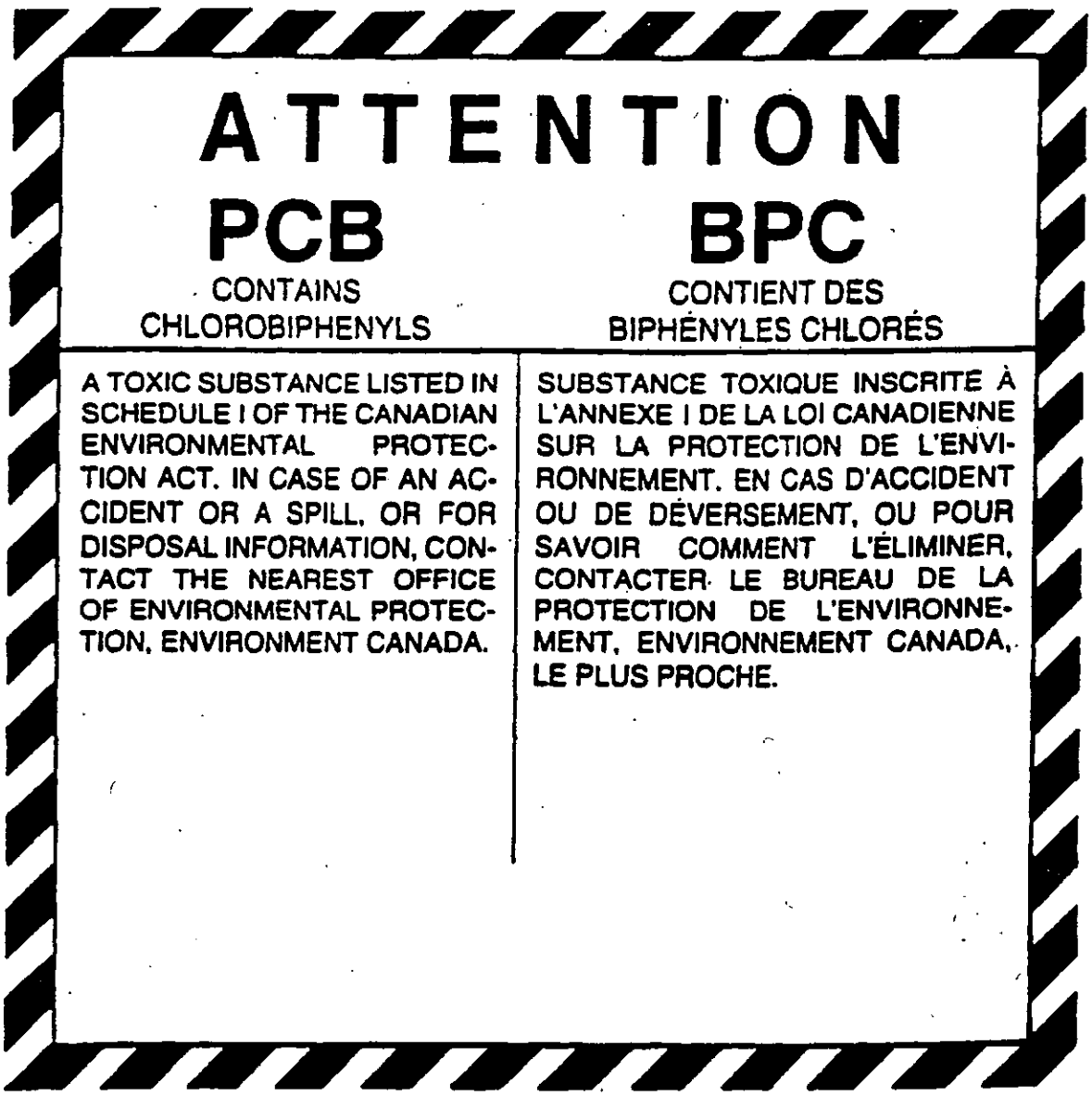
ATTENTION
PCB
CONTAINS
CHLOROBIPHENYLS
BPC
CONTIENT DES
BIPHÉNYLES CHLORÉS
A TOXIC SUBSTANCE LISTED IN SCHEDULE I OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT. IN CASE OF AN ACCIDENT OR A SPILL, OR FOR DISPOSAL INFORMATION, CONTACT THE NEAREST OFFICE OF ENVIRONMENTAL PROTECTION, ENVIRONMENT CANADA.
SUBSTANCE TOXIQUE INSCRITE À L'ANNEXE I DE LA LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT. EN CAS D'ACCIDENT OU DE DÉVERSEMENT, OU POUR SAVOIR COMMENT L'ÉLIMINER, CONTACTER LE BUREAU DE LA PROTECTION DE L'ENVIRONNEMENT, ENVIRONNEMENT CANADA, LE PLUS PROCHE.

Figure 3

ATTENTION

CONTAMINATED WITH PCBs (CHLOROBIPHENYLS)	CONTAMINÉ PAR BPC (BIPHÉNYLES CHLORÉS)
THE CONTENTS OF THIS EQUIPMENT ARE CONTAMINATED WITH PCBs. A TOXIC SUBSTANCE LISTED IN SCHEDULE I OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT. IN CASE OF AN ACCIDENT OR A SPILL OR FOR DISPOSAL INFORMATION, CONTACT THE NEAREST OFFICE OF ENVIRONMENTAL PROTECTION, ENVIRONMENT CANADA.	LE CONTENU DE CET ÉQUIPEMENT EST CONTAMINÉ PAR DES BPC. SUBSTANCE TOXIQUE INSCRITE À L'ANNEXE I DE LA LOI CANADIENNE SUR LA PROTECTION DE L'ENVIRONNEMENT EN CAS D'ACCIDENT OU DE DÉVERSEMENT, OU POUR SAVOIR COMMENT L'ÉLIMINER, CONTACTER LE BUREAU DE LA PROTECTION DE L'ENVIRONNEMENT, ENVIRONNEMENT CANADA, LE PLUS PROCHE.

PCB CONCENTRATION (parts per million)
CONCENTRATION DE BPC (parties par million) _____

DATE ANALYSED
DATE D'ANALYSE _____

COMPANY NAME
NOM DE LA COMPAGNIE _____

AUTHORIZED COMPANY OFFICIAL
AGENT OFFICIEL AUTORISÉ _____

Figure 4

III. ALBERTA

Environmental Protection and Enhancement Act (EPEA)

This report will deal with those aspects of this omnibus environmental legislation which specifically mentions PCBs: the approval requirements for storing, transporting or otherwise keeping hazardous substances and the waste disposal regulation.

Approvals for Storage, Treatment, Processing or Disposal

Ss 58 and 59 prohibit any person from knowingly or otherwise commencing or continuing an "activity designated by the regulations" as requiring approval unless that person holds the approval. The Activities Designation Regulation sets out which activities require an approval.

S.2 of the Activities Designation Regulation states that the activities listed in the Schedule to EPEA are designated as activities which require an approval. The Schedule activities include the construction, operation or reclamation of a plant, structure or thing for the storage, treatment, processing or disposal of hazardous waste. Under the EPEA Waste Control Regulation "hazardous waste, includes polychlorinated biphenyls at a concentration equal or greater than 50 mg/kg (Schedule 1, s.1(f)). Accordingly, storage, treatment, processing or disposal of PCBs constitute activities requiring an approval.

Division 2 of EPEA (ss 58-82) set out the procedures for applying for an approval in accordance with the Approvals Procedure Regulation .

Waste Control Regulation

S.13.1 of the Waste Control Regulation defines "PCB" to mean chlorobiphenyls that have a molecular formula of $C_{12}H_{10-n}Cl_n$ in which "n" is greater than 2; "PCB equipment" to mean any equipment, machinery or similar manufactured item including a capacitor and an electrical transformer, that contains a PCB liquid, PCB solid or PCB substance; "PCB liquid" to mean a liquid that contains more than 50 mg of PCB per kilogram of the liquid; "PCB solid" to mean a solid that contains more than 50 mg of PCB's per kilogram of the solid; "PCB substance" to mean a substance, other than PCB liquid or PCB solid, that contains more than 50 mg of PCB's per kilogram of the substance and "PCB waste" to mean PCB liquid, solid, PCB substance or PCB and equipment that is stored as waste.

S.13.1(3) states that subject to the terms and condition of an approval, a person who stores PCB wastes in specified amounts shall register with the Director and provide records in accordance with specified requirements. The record requirements are set out in 13.1(5) (appended).

Disposal

S.14 prohibits anyone from disposing hazardous waste (which includes PCBs) into a

landfill. This prohibition does not apply to certain waste including liquid hazardous waste containing one or more halogenated organic compounds in a total combined concentration less that 100 mg/kg, of which no more than 50 mg/kg is PCB.

No import for storage or disposal without authorization

S.16 prohibits the importation of hazardous waste into Alberta for the purpose of storage in excess of 30 days without first obtaining written authorization of the Minister of Environmental Protection. S.(16)(2) prohibits the import of hazardous waste for disposal.

(3) Subsection (2)(b) applies only to a storage site whose only function is the storage of hazardous waste, and does not apply to a storage site that is located in or is part of a larger manufacturing, processing or other operation.

Storage of PCB's

13.1(1) In this section,

(a) "PCB" means chlorobiphenyls that have a molecular formula of $C_{12}H_{10-n}Cl_n$, in which "n" is greater than 2;

(b) "PCB equipment" means any equipment, machinery or similar manufactured item, including a capacitor and an electrical transformer, that contains a PCB liquid, PCB solid or PCB substance;

(c) "PCB liquid" means a liquid that contains more than 50 mg of PCB's per kilogram of the liquid;

(d) "PCB solid" means a solid that contains more than 50 mg of PCB's per kilogram of the solid;

(e) "PCB substance" means a substance, other than PCB liquid or PCB solid, that contains more than 50 mg of PCB's per kilogram of the substance;

(f) "PCB waste" means any PCB liquid, PCB solid, PCB substance or PCB equipment that is stored as waste.

(2) In determining the quantity, volume or weight of PCB waste for the purposes of subsection (3), the total amounts stored in or around one site that is under the responsibility of the same person shall be added together.

(3) Subject to the terms and conditions of an approval, a person who stores PCB waste in the following amounts shall register with the Director in accordance with subsection (4) and keep and provide records in accordance with subsections (5) and (6):

(a) PCB liquids in an amount of 100 L or more;

(b) PCB solids or PCB substances in an amount of 100 kg or more;

(c) PCB liquids, PCB solids or PCB substances or a combination of any of them, in an amount less than that referred to in clause (a) or (b), that contain one kg or more of PCB;

(d) PCB equipment that contains an amount of PCB's, PCB liquids, PCB solids or PCB substances referred to in any of clauses (a) to (c).

(4) An application for registration

(a) must be made not later than 30 days after the person first stores PCB waste in amounts referred to in subsection (3), and

(b) must disclose the name of the person, the location of the storage site and a description and inventory of the PCB waste that is stored at the site.

Landfills

(5) The records referred to in subsection (3) must contain the following information:

(a) with respect to each item of PCB waste received at the storage site,

(i) the date of receipt of the PCB waste,

(ii) the quantity of PCB waste received,

(iii) a description of the PCB waste, including, where applicable, the nameplate description, the serial number and the PCB registration number,

(iv) the condition of the PCB waste,

(v) the source of the PCB waste,

(vi) the name of the carrier of the PCB waste, and

(vii) the name of the individual who received the PCB waste;

(b) with respect to each item of PCB waste removed from the storage site,

(i) the date of removal of the PCB waste,

(ii) a description of the PCB waste, including, where applicable, the nameplate description,

(iii) the condition of the PCB waste,

(iv) the name of the carrier of the PCB waste,

(v) the destination of the PCB waste, and

(vi) the name of the individual authorizing the removal of the PCB waste;

(c) the results of any inspections conducted and any action taken as a result of those inspections.

IV. BRITISH COLUMBIA

Special Waste Regulation

The Special Waste Regulation under the Waste Management Act is the primary legislation governing PCBs in use and storage. The Act defines "chlorobiphenyls" to mean chlorobiphenyls having the molecular formula C_{12} H_{10-N} Cl_N in which "N" is greater than 2. It defines "PCB equipment" to mean a manufactured item that contains or is contaminated with PCB liquids or PCB solids including transformers, capacitors, and containers, "PCB liquid" to mean a liquid containing more than 50 PPM by weight of chlorobiphenyls, "PCB solid" to mean any material or substance other than a PCB liquid that contains or is contaminated with chlorobiphenyls at a concentration greater than 50 PPM by weight, and "PCB wastes" to mean PCB liquid, solid and equipment that have been taken out of service for the purpose of treatment, recycling, reuse or disposal or for the purpose of storage prior to treatment, recycling, reuse or disposal (s.1).

Short Term Storage Facilities

Division 2 of the Act governs short term facilities (provisions mentioned below are appended):

- S.16 sets out general operational requirements for the owner of a short term storage facility where free liquid special waste is stored in containers or tanks.
- S.17 sets out performance standards for all short term facilities.

- S.17.1 applies to all short term storage facilities storing 1 kg or more of PCBs, 100 litres or more of PCB liquid or 100 kg or more of PCB solids, where total amounts stored at each location owned or controlled by the same owner or operator shall be added together. S.17.1 sets out additional operational requirements to those set out in s.17.

Minimum Siting Standards

S.3 (appended) sets out the siting standards for special waste facilities, including facilities storing PCB waste.

Operational Requirements

Ss 4 to 14 (appended) contain numerous operational requirements for all special waste facilities including those storing PCB wastes. These requirements include for plans, information, records, weather protection, access security, fire, explosion and other accident prevention, spill protection and reporting, contingency plans, emergency systems, testing, personal training and closure.

Management of Specific Special Wastes

Part 6, starting at s.39.1 deals with management of specific special wastes. S.41(2) prohibits any person without approval to mix waste oil with any material in the manufacture of pavement unless the waste oil meets certain specifications. Among the specifications is the parameter of total polychlorinated biphenyls at an allowable level of 5.0 mg/l maximum.

PART 2

MINIMUM SITING STANDARDS FOR ALL SPECIAL WASTE FACILITIES

Siting standards

3. No person shall establish, construct or operate any special waste facility

(a) in a 200 year floodplain unless the special waste facility

(i) is designed, constructed, operated and maintained to prevent washout, or

(ii) was in operation on the day this paragraph comes into force, in which case the facility shall continue to be protected to the 100 year flood level,

(b) within 100 m of a holocene fault,

(c) in a place which is subject to tsunamis unless the special waste facility is designed, constructed, operated and maintained to prevent washout of any special waste by a tsunami,

(d) within 100 m of any land which is subject to slope failure, or

(e) within the boundaries of any

(i) national, Provincial, regional or municipal park,

(ii) wildlife management area as designated under section 4 of the *Wildlife Act*,

(iii) critical wildlife area or wildlife sanctuary designated under section 5 of the *Wildlife Act*,

(iv) land acquired and administered under section 3 of the *Wildlife Act*,

(v) ecological reserve designated under the *Ecological Reserve Act*,

(vi) bird sanctuary designated under the regulations pursuant to the *Migratory Birds Convention Act* (Canada), or

(vii) wildlife area designated under the *Canada Wildlife Act* (Canada).

[am. B.C. Reg. 132/92, s. 3.]

PART 3

OPERATIONAL REQUIREMENTS FOR ALL SPECIAL WASTE FACILITIES

Plans

4. Before beginning construction or installation of any special waste facilities, the owner shall obtain approval of

(a) the plans and specifications of new works, or

(b) modifications to existing works

and the owner shall carry out the construction in accordance with the approved plans.

Waste information

5. (1) No owner of a facility shall accept, handle, store, treat, destroy or dispose of special waste at the facility or allow it to be accepted, handled, stored, treated, destroyed or disposed of at the facility without taking reasonable measures to identify all hazards associated with the special waste through

(a) physical, chemical or biological analyses,

(b) published scientific documentation,

(c) consultation with the waste generator, or

(d) consultation with the manufacturer in the case of manufactured goods which become waste,

and without limiting the generality of this, the owner shall again inquire into and ascertain those hazards wherever he has reason to believe that

(e) a process or operation generating a special waste delivered to the facility has changed, or

(f) the description of a special waste received at the facility does not match the description of the special waste on the accompanying waste manifest.

(2) The owner of a facility shall not accept a special waste that

(a) does not match the description on the accompanying manifest, or

(b) is not accompanied by a manifest

and where any person attempts to deliver such waste to the facility, the owner of the facility shall immediately notify the director or manager by telephone to seek

(c) authorization to accept the special waste, or

(d) other instructions.

(3) No person shall accept, at any special waste facility, special w which is described as a quantity more than 100 kg or 100 ℓ or accompanying manifest without first determining the quantit waste delivered by measuring the weight or volume of the shipme

(4) Where the quantity of special waste received at a special v facility is either

(a) 5% greater than, or

(b) 5% less than

the quantity described on the manifest, the owner of the facility immediately notify the director or a manager by telephone to see

(c) authorization to accept the special waste, or

(d) other instructions.

Waste record

6. (1) The owner of a special waste facility shall keep for inspection officer an operating record at his facility and shall record in a w or retrievable electronic form the following information for special waste received, stored or shipped:

(a) the description including

(i) the name and identification number as described Federal Regulations, and

(ii) the physical state (i.e. whether it is solid, liquid, gase a combination of one or more of these);

(b) the quantity in kilograms or litres;

(c) the method and date of storing, repacking, treating or dis at the facility, cross-referenced to specific manifest doc numbers applicable to the special waste;

(d) the location of each special waste within the facility a quantity at each location.

(2) The owner of a special waste facility shall keep the records r under subsection (1) for a minimum of 2 years after the wa been removed from the facility.

[am. B.C. Reg. 132/92, s. 4.]

Weather protection

7. No person shall operate a special waste facility unless the faci been designed, constructed and maintained so that elements weather such as precipitation, heat, frost, wind and humidity l detrimental effect on the capability of the facility to manage waste.

Access security

8. No person shall operate a special waste facility unless access to the facility by unauthorized persons or by animals is prevented by

(a) a 24 hour surveillance system that continuously monitors and controls entry to the facility, and for this purpose television monitors or an approved system, or surveillance guards present at the facility shall be used, or

(b) a barrier such as

(i) a 2.13 m high chain link fence topped with 3 strands of barbed wire to prevent scaling of the fence, or equally effective approved barrier, and

(ii) a means of controlled entry, at all times, through gates or other entrances,

(c) locks or locked covers on all valves, pumps, electrical controls and other operational controls which would be accessible if the prevention measures referred to in paragraph (a or (b) above were breached, and

(d) a sign, legible from a distance of at least 10 m, reading

(i) "DANGER - UNAUTHORIZED PERSONNEL KEEP OUT",

(ii) "DANGER - AUTHORIZED PERSONNEL ONLY", or

(iii) "RESTRICTED AREA - AUTHORIZED PERSONNEL ONLY",

or equivalent wording, posted at each entrance to the facility and at such other locations as a manager may fix.

(am. B.C. Reg. 132/92, s. 5.)

Prevention of fire, explosion and accidental reactions

9. (1) The owner of a special waste facility shall prevent the accidental ignition or reaction of ignitable or reactive waste by protecting such waste from sources of ignition or reaction such as open flames, smoking, grinding and welding, hot surfaces, frictional heat, static, electrical or mechanical sparks, spontaneous ignition from heat producing chemical reactions and radiant heat by means of

(a) electrical spark grounding where the potential for static buildup exists,

(b) suitable separation distances or a barrier with a minimum fire rating of 2 hours between the waste and ignition sources, and

(c) a warning sign, legible from a distance of 10 m, re "DANGER – IGNITABLE/REACTIVE SPECIAL WASTI OPEN FLAMES, SMOKING OR SPARKS".

(2) The owner of any indoor special waste facility which ma reactive or ignitable special waste shall

(a) provide and maintain a continuous 24 hour fire alarm s with

(i) smoke sensing alarms, and

(ii) heat sensing alarms,

capable of automatically stopping any forced air vent systems in the facility and summoning a 24 hour e emergency response through

(iii) a local fire department,

(iv) a local response team, or

(v) on site security staff who have immediate commun access to a local response agency,

(b) provide and maintain a fire suppression system specified Fire Commissioner or a local assistant to the Fire Commi as defined in the *Fire Services Act*, or where not so sp provide and maintain

(i) a permanent, automatic system which uses foam, in or dry chemical, or

(ii) one portable ABC rated fire extinguisher with a mi 10 kg capacity for every 250 m^2 of the facility's spac

(c) provide and maintain sufficient aisle space between conta special waste to allow the unobstructed movement of pers protection equipment, spill control equipment decontamination equipment to any part of the facility,

(d) design and construct the facility so that the walls, doors a are noncombustible with a minimum fire rating of 2 hours

(e) ensure that any heat required for the facility is provided indirect means such as hot water, steam or electrical re and not by any device which uses an open flame within where wastes are located, nor by any other device prohi the Fire Commissioner or a local assistant to t Commissioner under the *Fire Services Act*.

(3) The owner of a special waste facility that treats, stores or dis ignitable or reactive waste shall take precautions to reactions which may do any of the following:

(a) generate extreme heat or pressure, fire or explosions;

(b) produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;

(c) produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;

(d) damage the structural integrity of the facility.

[am. B.C. Regs. 10/89, s. 3; 132/92, s. 6.]

Spill protection and reporting

10. The owner of a special waste facility shall

(a) provide and maintain an approved spill containment system to contain on site any release of spilled special waste,

(b) inspect the facility monthly and, where any free liquid special waste is stored at the facility,

(i) provide and maintain a 24 hour spill alarm system appropriate for the special waste managed at the facility, or

(ii) inspect the facility weekly for any irregularities such as malfunctions, deterioration, operator error, leaks or spills which may lead to the escape of special waste from the facility or may pose a threat to human health,

(c) maintain at the facility a record of inspections conducted as required by paragraph (b) showing

(i) any irregularities in the facility,

(ii) dates that any such irregularities were discovered,

(iii) corrective action taken, and

(iv) date of corrective action, and

(d) immediately report any irregularities to the director or a manager.

[am. B.C. Reg. 132/92, s. 7.]

Contingency plan

11. The owner of a special waste facility shall

(a) prepare and maintain in up-to-date readiness a contingency plan, approved by a manager, which documents procedures to be followed during emergencies, including

(i) shut down procedures,

(ii) communication networks to be used, and

(iii) notification procedures for

(A) police departments in the vicinity,

(B) fire departments in the vicinity,

(C) emergency response teams,

(D) ambulance and medical services,

(E) contractors carrying on business in the vicinity,

(F) schools, hospitals and residents,

(G) federal, Provincial and municipal governments,

(iv) evacuation procedures for facility staff,

(v) abatement measures,

(vi) inventories of spill response and cleanup equi available

(A) at the facility,

(B) from contractors carrying on business in the vi

(C) from agencies operating in the vicinity, and

(D) from regional suppliers,

(b) appoint one person and at least one alternate to act Emergency Response Coordinator with authority to ca action in accordance with the contingency plan,

(c) provide a copy of the contingency plan to

(i) the Emergency Response Coordinator,

(ii) each alternate Emergency Response Coordinator, a

(iii) the director or a manager, and

(d) provide clean up equipment, sorbents and other mate protective equipment and clothing, for all emergency r staff at the facility, appropriate for all types of special managed at the facility.

[am. B.C. Reg. 10/89, s. 4.]

Emergency systems testing

12. (1) The owner of a special waste facility shall test or inspect

(a) the fire and explosion protection systems described in 9 (2),

(b) the spill protection systems described in section 10 (a) and

(c) the contingency plan described in section 11 (a),

at least once a year to ensure that such protective measures, procedures, equipment and clothing are capable of proper in an emergency.

(2) The owner of a special waste facility shall make a written record of each test carried out as required by subsection (1) and shall include in the record

(a) the measures, systems, procedures, equipment and clothing tested,

(b) a description of the test methods,

(c) the date of the tests on each component,

(d) the results of the tests, and

(e) description and date of any corrective action

and the record shall be available for inspection by an officer.

(3) Where a facility manages more than 20 tonnes of special waste in a calendar year, the owner of the facility shall submit a copy of the record referred to in subsection (2) to the director or a manager within 90 days after each test.

[am. B.C. Reg. 132/92, s. 8.]

Personnel training

13. (1) The owner of a special waste facility shall ensure that every person employed in the operation of the facility receives training which includes instruction on

(a) the employed person's duties and responsibilities,

(b) use of personnel protective equipment,

(c) fire and explosion response procedures,

(d) spill response procedures,

(e) communications and alarm systems,

(f) use of abatement and cleanup equipment,

(g) shut down operations, and

(h) hazards of all special waste managed at the facility,

before beginning employment in an operational capacity.

(2) The owner of any facility shall provide to each operational staff member an annual review of the training required by subsection (1).

(3) An owner of a facility referred to in subsection (1) shall maintain and shall produce for inspection whenever required by an officer a record of

(a) all persons employed in the operations of the facility and their duties and responsibilities,

(b) a description of the level of training received by each perso employed, and

(c) the date of the last training session for each person so employe

[am. B.C. Reg. 132/92, s. 9.]

Closure

14. (1) The owner of a special waste facility shall not operate the fac unless he has prepared a written closure plan and has rece approval of the plan.

(2) A closure plan must include

(a) a schedule of how and when the facility will be closed,

(b) a description of decontamination procedures to be followed,

(c) a description and estimate of the quantity of any special w residues which will remain at the site after closure, and

(d) an estimate of the total time required to close the facility.

(3) The owner of a special waste facility shall, whenever changes in operating plans, facility design or the expected year of closure intended, submit amendments to the closure plan for approval.

(4) The owner of a special waste facility shall

(a) notify a manager or the director within 90 days after receivin producing the final quantity of special waste at the facility, an

(b) complete the closure of the facility within the period specifie and in accordance with, the approved closure plan, or, where closure plan has been amended, in accordance with the appr closure plan and its approved amendments.

PART 4

ADDITIONAL REQUIREMENTS

Division 1 – Recycle Facilities

Operational requirements

15. (1) The owner of a recycle facility shall provide an automatic mea stopping

(a) the process equipment, and

(b) the waste feed system

in the event of an accidental release or in circumstances which m lead to an accidental release of a special waste.

(2) The owner of a recycle facility where liquid special waste is being managed shall

(a) use dripless hose connections when transferring liquid special waste by means of detachable hoses or pipes, and

(b) ensure that all materials on pipes, pumps, containers and any other equipment which comes in contact with the special waste is compatible with the special waste.

Division 2 – Short Term Storage Facilities

Operational requirements

16. The owner of a short term storage facility where free liquid special waste is stored in containers or tanks shall

(a) provide space to allow for manual, visual inspection for leaks,

(b) provide and maintain an impervious containment system sufficient to hold the larger of

(i) 110% of the largest volume of free liquid special waste ir any given container or tank, or

(ii) 25% of the total volume of free liquid special waste ir storage,

(c) provide controlled forced air ventilation to any indoor facility s that 0.3 $m^3/min/m^2$ of a facility is exhausted at all times unless facility is used solely for passive storage,

(d) provide overflow protection for tanks by means of

(i) fixed piping to an empty adjacent tank with a capacit equal to or greater than 20% of the protected tank,

(ii) a high level alarm set at 90% of the full liquid level of th tank, or

(iii) an automatic feed cutoff system set at 95% of the full liqu level of the tank container,

(e) use dripless hose connections when transferring liquid spec waste by means of detachable hoses or pipes,

(f) ensure that all materials on pipes, pumps, containers and a other equipment which comes in contact with the special waste compatible with the special waste, and

(g) ensure that all special waste transfer lines, hoses and pipes a equipped with automatic shutoff or close on failure valves wh close off the flow of special waste in the event of a sud accidental escape unless a method of containment is provided prevent the release of free liquid special waste.

[am. B.C. Reg. 132/92, s. 10.]

Performance standards

17. (1) The owner of a short term storage facility shall ensure that

(a) any emissions to the atmosphere resulting from the operation of the short term storage facility are controlled to meet approved emission specifications, and

(b) any discharge of liquid effluent to the environment, to storm sewers or to a municipal or industrial effluent treatment works which results from the operation of the short term storage facility meets the effluent criteria prescribed in Schedule 1.2.

[am. B.C. Reg. 132/92, s. 11.]

Additional requirements for short term storage of PCB wastes

17.1 (1) Notwithstanding section 2 (3) to (6) and (8), all short term storage facilities where

(a) 1.0 kilogram or more of PCBs,

(b) 100 litres or more of PCB liquid, or

(c) 100 kilograms or more of PCB solids

are stored shall comply with sections 3 to 14, 16, 17 and this section on and after February 1, 1989.

(2) For the purpose of determining the quantity, volume or weight by which PCBs, PCB liquids or PCB solids exceed the amount specified in subsection (1), the total amounts stored at each location owned or controlled by the same owner or operator shall be added together.

(3) The owner of a short term storage facility used to store PCB wastes shall ensure that

(a) drums up to 205 litre capacity used for PCB solids

(i) ***Repealed.*** [B.C. Reg. 132/92, s. 12 (a).]

(ii) are made of 18 gauge steel or heavier,

(iii) have a securely attached, close fitting removable steel lid and a gasket of PCB resistant material, and

(iv) are painted to prevent rusting,

(b) drums up to 205 litre capacity used for PCB liquids

(i) ***Repealed.*** [B.C. Reg. 132/92, s. 12 (b).]

(ii) are made of 16 gauge steel for PCB liquids placed in storage or repackaged on or after April 1, 1992 and 18 gauge steel for PCB liquids placed in storage before April 1, 1992,

(iii) are closed except for screw plug double bung access holes, and

(iv) are painted to prevent rusting,

(c) all containers used for PCB wastes, and all PCB equipment except transformers on skids, shall be placed on pallets or an alternate system of storage that allows for visual inspection for leaks and easy removal of the waste,

(d) drums of PCB wastes shall not be stacked more than 2 drums high,

(e) containers of PCB wastes other than drums are not stacked unless the containers have been specifically designed for stacking and in such case that they are not stacked more than 2 containers high,

(f) an up-to-date inventory and site map indicating where all PCBs are stored at the facility and a fire safety plan acceptable to the local assistant to the fire commissioner

(i) are provided to the director or a manager,

(ii) are provided to the local assistant to the fire commissioner, and

(iii) are kept on site for inspection by an officer,

(g) capacitors containing 0.5 kilogram or more of chlorobiphenyls are labelled with either Environment Canada's serialized, black and white "CAUTION/ATTENTION PCB" label, measuring 76 mm by 76 mm, or a reasonable alternative, unless the capacitor was stored in a container before this section came into effect,

(h) electrical transformers, electromagnets and other equipment containing chlorobiphenyls in a concentration exceeding 1% by weight are labelled with either Environment Canada's serialized, black and white "ATTENTION PCB" label, measuring 150 mm by 150 mm, or a reasonable alternative,

(i) electrical transformers, electromagnets and other equipment containing chlorobiphenyls in a concentration exceeding 50 parts per million by weight but not greater than 1% by weight are labelled with either Environment Canada's "ATTENTION-Contaminated with PCBs" label, or a reasonable alternative,

(i.1) containers containing chlorobiphenyls in a concentration exceeding 1% by weight are labelled with either Environment Canada's "ATTENTION - PCB Waste" label, or a reasonable alternative,

(j) the floor or other surface of the storage site on which undrained PCB equipment or PCB liquids are stored, whether indoors or outdoors, shall be constructed of steel, concrete or other durable material,

(k) where undrained PCB equipment or PCB liquids are stored floor or other surface of the storage site, whether indoor outdoors, the floor or surface of the site shall be provided curbing or sides sufficient to contain

(i) in the case where a single item is being stored, 125% o volume of the PCB liquid in the item, and

(ii) in the case where more than one item is being stored, greater of twice the volume in the largest item or 25 the volume of all the PCB liquids stored on the floo surface,

(l) where the material of the floor or other surface of the storage or the curbing or sides referred to in paragraph (k) are capab absorbing PCBs, they are sealed with a durable PCB resis coating,

(m) where undrained PCB equipment or PCB liquids are stored floor or other surface of the storage site, any existing floor dr sumps or other openings in the floor are closed and seal prevent the escape of liquid,

(n) doors to storage sites, fencing and other security bar enclosing storage sites are labelled with Environment Can non-serialized, black and white "ATTENTION PCB" measuring 150 mm by 150 mm, or a reasonable alternative.

(4) ***Repealed.*** [B.C. Reg. 132/92, s. 13.]
[en. B.C. Reg. 10/89, s. 5; am. B.C. Reg. 132/92, s. 12, 13.]

Division 3 – Requirements For Treatment Facilities

Operational requirements

18. (1) The owner of a treatment facility shall provide an automatic r of stopping

(a) the process equipment, and

(b) the waste feed system

in the event of an accidental release or in circumstances which lead to an accidental release of special waste.

(2) Before beginning operation of a treatment facility the owner conduct an approved demonstration trial to demonstrat effectiveness of any process intended to treat the type of special to be received at the facility.

(3) The demonstration trial referred to in subsection (2) must provi

(a) an adequate test of the treatment process to be used,

V. MANITOBA

The Dangerous Goods Handling and Transportation Act

This Act applies to handling or disposing of dangerous goods. S.3 prohibits any person from handling or disposing of dangerous goods or causing dangerous goods to be handled or disposed except in compliance with the Act and regulations. Although this Act applies to both handling and transportation, this report will only cover the handling aspects of PCBs only and not any of the transportation of dangerous goods aspects.

The Act and the Specific PCB Regulations

The Dangerous Goods Handling and Transportation Act defines "dangerous goods" to mean any product, substance or organism designated in the regulations... and includes hazardous wastes. "Hazardous waste" means any substance or group of substances designated in the regulations...", which includes PCBs under the PCB Storage Site Regulation.

PCB Storage Site Regulation

Subject Matter of Regulation

This appended regulation does not apply to PCB waste in "domestic quantities" which is defined by the Act as quantities packaged, marketed and being handled in a single household (s.2). The regulation defines "PCB" to mean a:

chlorobiphenyl that has the molecular formula C_{12} H_{10-N} Cl_N in which the "N" is greater than 2.

The regulation covers the storage, maintenance and inspection, labelling, books and records and reporting requirements.

Storage

The storage requirements apply to any storage site containing PCB in a quantity exceeding 1 kg; PCB liquids of an aggregate volume greater than 5 litres; or PCB solids of an aggregate greater than 5 kg (s.5).

Relevant terms defined in the regulation are: "PCB liquid" meaning a liquid containing more than 50 PPM by weight of PCB and "PCB solid" meaning a material or substance other than a PCB liquid, that contains or is contaminated with PCB at a concentration greater than 50 PPM by weight; "PCB waste" which is defined to include a PCB liquid, a PCB solid or a piece of PCB equipment that is taken out of service for the purpose of disposal and "PCB equipment" meaning a manufactured item that contains, contained or is contaminated with a PCB liquid, or a PCB solid and includes a container.

S.5 imposes certain duties on owners or operators of a storage site. Ss 5 through 7 of the regulation set out the requirements for storage sites. Ss 5(1) and 5(2) apply to all storage sites. S.6(1) and (2) impose additional requirements for "medium storage sites" meaning any storage site that contains PCB in quantity exceeding 1 kg;

PCB liquids of an aggregate volume greater than 100 litres; or PCB solids of an aggregate weight greater than 100 kg. Ss 7(1) and (2) contain requirements for "large storage sites" meaning a storage site that contains PCB liquids of an aggregate volume greater than 10,000 litres; or PCB solids of an aggregate weight greater than 10,000 kg.

The requirements for storage sites include specific requirements regarding access to the site, the use and handling of equipment on the site, the waterproofing of the site where PCB is stored outside, the storage of containers and drums, size of drums, the availability of clean-up materials and absorbence.

S.6's requirements for medium storage tanks also include specific requirements regarding the floor or surface areas, sumps, requirements regarding segregating PCB waste from other materials, exhaust requirements, smoke sensory control requirements, placement of containers and fire control and emergency plans.

S.7's requirements for large storage sites include specific duties relating to fire alarm systems and fire extinguishers.

Maintenance and Inspection

S.8 sets out maintenance and inspection duties of an owner or operator. These mandates include knowing and understanding current PCB waste management

procedures and the use of personal protection and clean up techniques; monthly inspection duties and repair and replacement duties.

Labelling Requirements

S.9 sets forth an owner or operators duties to label capacitors, electrical transformers, electromagnets and other equipment, drums, doors to the storage site and fencing and other security barriers enclosing the storage site.

Reporting and Information

S.10 sets out the requirements of an owner or operator of a storage site to provide information regarding the storage site. This information includes, among other requirements, location of site, names and addresses of owner and operator, names and phone numbers of contacts, and a brief description of various aspects of the site, storage methods, spill containment features, security measures, fire detection systems and other matter pertaining to the storage of PCB waste.

S.10 sets out the requirements of an owner or operator of a storage site to provide information with respect to the PCB waste at the site. This information includes facts about the container and amount of PCB liquid, solid or waste contained, as well as information of the PCB equipment or PCB solid not in a container.

Books and Records

S.11 sets out the provisions for the owner or operator of a storage site to maintain books and records. The required information includes date of receipt items of PCB waste, descriptions of waste, condition and source of waste as well as information regarding the carrier to the site and the name of the person who accepted receipt. Similar information is required for PCB waste removed from the site.

Reporting Requirements

S.12 sets out the reporting requirements for the owner or operator of a storage site. Note that in addition to initial reporting of records within 30 days of the establishment of a site, the owner and operator must report twice in each year, as specified in the regulation.

New Storage Sites and Prohibition of Disposal

S.13 prohibits any person from establishing a storage site without the written approval of the Director.

S.14 prohibits any person from disposing of PCB waste without a prior written authorization from the Director.

Note on Dangerous Goods Handling and Transportation Act

This Act is dealt with more thoroughly under **Hazardous Substances**. However, we wish to point out that the powers of the Director under s.13 of the Act are not

subject to or limited to the PCB Storage Site Regulation (s.1(3)). S.13 of the Act enables the Director to make various orders regarding the handling or disposing of dangerous goods (which includes PCBs); to furnish all information specified in the order; to restrict or place conditions on the handling or disposal of any dangerous goods in Manitoba; to prohibit or restrict the sale or distribution of, or cause to be destroyed, decontaminated or otherwise rendered harmless, any crop, food, feed, plant, water, produce or other material which is exposed or may have been exposed to dangerous goods or hazardous waste.

Environmental Accident Reporting Regulation

This regulation is also under the Dangerous Goods and Handling Transportation Act. The regulation applies to a number of specified contaminants including any "PCB mixture" which it defines as a mixture containing PCB in a concentration that is greater than 50 PPM by weight (s.1).

S.3 (appended) requires any person who is responsible for or who has custody and control of a contaminant involved in an environmental accident to immediately after the occurrence report the accident by either calling the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg or the local Police or Fire Department, as appropriate. S.3(2) sets out the information that should be required in the report. S.3(3) requires the person to file a written report when requested by an environment officer.

DANGEROUS GOODS HANDLING AND TRANSPORTATION ACT
(C.C.S.M. c. D12)

PCB Storage Site Regulation

Regulation 474/88
Filed November 14, 1988

CONTENTS

Definitions and Application
1(1) In this regulation,

"PCB" means a chlorobiphenyl that has the molecular formula $C_{12}H_{10-n}Cl_n$ in which "n" is greater than 2; ("BPC")

"PCB equipment" means a manufactured item that contains, contained, or is contaminated with a PCB liquid or a PCB solid and includes a container; ("équipement contenant des BPC")

"PCB liquid" means a liquid containing more than 50 parts per million by weight of PCB; ("liquide contenant des BPC")

"PCB solid" means a material or substance, other than a PCB liquid, that contains or is contaminated with PCB at a concentration greater than 50 parts per million by weight; ("solide contenant des BPC")

"PCB waste" includes a PCB liquid, a PCB solid or a piece of PCB equipment that is taken out of service for the purpose of disposal; ("déchets contenant des BPC")

LOI SUR LA MANUTENTION ET LE TRANSPORT DES MARCHANDISES DANGEREUSES
(C.P.L.M., c. D12)

Règlement sur les lieux d'entreposage des BPC

Règlement 474/88
Date de dépôt : le 14 novembre 1988

TABLE DES MATIÈRES

Définitions et application
1(1) Les définitions qui suivent s'appliquent au présent règlement.

"BPC" Les biphényles chlorés dont la formule moléculaire est $C_{12}H_{10-n}Cl_n$, où "n" est plus grand que 2. ("PCB").

"déchets contenant des BPC" S'entend notamment des liquides contenant des BPC, des solides contenant des BPC et de l'équipement contenant des BPC qui a été mis hors service aux fins d'élimination. ("PCB waste")

"équipement contenant des BPC" Tout article manufacturé, y compris les conteneurs, qui renferme ou renfermait des liquides contenant des BPC ou des solides contenant des BPC ou qui est contaminé par ces derniers. ("PCB equipment")

"lieu d'entreposage" Tout emplacement ou endroit servant au stockage des déchets contenant des BPC. ("storage site")

"liquide contenant des BPC" Liquide contenant plus de 50 parties par million de BPC au poids. ("PCB liquid")

"storage site" means a site or location that is used for the storage of PCB waste. ("lieu d'entreposage")

1(2) This regulation does not apply to PCB waste in domestic quantities as defined in the Act.

1(3) The powers of the director under section 13 of the Act are not subject to, nor limited by, this regulation.

Effective dates
2 This regulation comes into force on filing except:
(a) clauses 5(2)(g), 6(2)(i) and (j), 9(e) and subsection 7(2) come into force 30 days after this regulation comes into force;
(b) clauses 6(2)(e) and (f), 5(2)(c),(e) and (f), and 9(a),(b), (c) and (d) come into force 90 days after this regulation comes into force; and
(c) clauses 6(2)(a) and (b) come into force 180 days after this regulation comes into force.

PCB waste at storage sites only
3 No person shall store PCB waste except at a storage site.

Aggregate quantity, volume or weight
4 Where more than one storage site is situated on a piece of property or on adjacent pieces of property and the sites are owned or operated by or on behalf of the same person, the quantity, volume or weight of PCB, PCB liquids or PCB solids, for purposes of subsection 5(1), 6(1) or 7(1), is the aggregate amount stored at all the storage sites.

Requirements for all storage sites
5(1) This section applies to a storage site that contains
(a) PCB in a quantity exceeding 1 kilogram;
(b) PCB liquids of an aggregate volume greater than 5 litres; or
(c) PCB solids of an aggregate weight greater than 5 kilograms.

5(2) An owner or operator of a storage site shall ensure:
(a) that access to the storage site is controlled so as to prevent entry by unauthorized persons;
(b) that equipment or material that is not used for the handling of PCB waste is not stored in or allowed to enter the storage site;

"solide contenant des BPC" Matière ou substance autre qu'un liquide contenant des BPC, qui renferme plus de 50 parties par million de BPC au poids ou est contaminé par ce produit. ("PCB solid")

1(2) Le présent règlement ne s'applique pas aux quantités domestiques de déchets contenant des BPC, ainsi qu'il est défini dans la Loi.

1(3) Les pouvoirs conférés au directeur par l'article 13 de la Loi ne sont pas subordonnés au présent règlement ni limité par ce dernier.

Dates d'entrée en vigueur
2 Le présent règlement entre en vigueur le jour de son dépôt, à l'exception des alinéas suivants :
a) les alinéas 5(2)g), 6(2)i) et j), et 9e) ainsi que le paragraphe 7(2) entrent en vigueur 30 jours après la date d'entrée en vigueur du présent règlement;
b) les alinéas 6(2)e) et f), 5(2)c), e) et f), et 9a), b), c) et d) entrent en vigueur 90 jours après la date d'entrée en vigueur du présent règlement;
c) les alinéas 6(2)a) et b) entrent en vigueur 180 jours après la date d'entrée en vigueur du présent règlement.

Stockage des déchets contenant des BPC
3 Il est interdit de stocker des déchets contenant des BPC ailleurs que dans un lieu d'entreposage.

Quantité, volume ou poids global
4 Lorsque plusieurs lieux d'entreposage sont situés sur un bien-fonds ou sur plusieurs biens-fonds contigus et que ces lieux appartiennent à une seule personne ou sont exploités par une seule personne ou en son nom, la quantité, le volume ou le poids des BPC, des liquides contenant des BPC ou des solides contenant des BPC est, pour l'application du paragraphe 5(1), 6(1) ou 7(1), le poids global des déchets stockés dans tous les lieux d'entreposage.

Exigences applicables à tous les lieux d'entreposage
5(1) Le présent article s'applique à tout lieu d'entreposage dans lequel est stockée une des quantités de matière suivantes :
a) une quantité de BPC supérieure à 1 kilogramme;
b) un volume global de liquides contenant des BPC supérieur à 5 litres;
c) un poids global de solides contenant des BPC supérieur à 5 kilogrammes.

5(2) Le propriétaire ou l'exploitant d'un lieu d'entreposage doit s'assurer :
a) que l'accès au lieu d'entreposage est surveillé de manière à en interdire l'entrée aux personnes non autorisées;
b) que l'équipement ou le matériel qui ne sert pas à la manutention des déchets contenant des BPC n'entre pas et n'est pas stocké dans le lieu d'entreposage;

(c) where PCB liquid is stored outside of a building or an enclosed area, that the container of PCB liquid is covered with a waterproof roof or cover that extends beyond the curbing or sides;
(d) that a container holding a PCB solid, PCB light ballast, drained PCB container or drained PCB equipment, where these are stored outside of a building or an enclosed area, are structurally sound and sealed from the weather;
(e) where a drum is used to contain a PCB solid, that the drum
(i) is not of a capacity greater than 205 litres,
(ii) is made of steel having a gauge of at least 18,
(iii) has a securely attached and removable steel lid and a gasket made of PCB resistant material, and
(iv) is painted to prevent rusting;
(f) where a drum is used to contain a PCB liquid, that the drum
(i) is not of a capacity greater than 205 litres,
(ii) is a closed double-bung drum made of steel having a gauge of at least 16, and
(iii) is painted to prevent rusting;
(g) that materials, such as sorbent or solvents, for the clean-up of liquids or solids are available for use at all times at the storage site; and
(h) that an inert absorbent in a quantity sufficient to contain minor leakage is placed in the bottom of each container holding PCB equipment.

c) que tout conteneur renfermant un liquide contenant des BPC qui est stocké à l'extérieur d'un bâtiment ou d'un espace clos est couvert par une toiture ou un écran étanche qui dépasse la bordure ou le muret;
d) que tout conteneur renfermant des solides contenant des BPC, des régulateurs d'éclairage contenant des BPC, des conteneurs de BPC qui ont été vidangés ou de l'équipement contenant des BPC qui a été vidangé, s'il est stocké à l'extérieur d'un bâtiment ou d'un espace clos, est en bon état et protégé contre les intempéries;
e) que les fûts servant au stockage des solides contenant des BPC :
(i) ont une capacité ne dépassant pas 205 litres,
(ii) sont construits en acier d'une épaisseur minimale correspondant au calibre n° 18,
(iii) sont pourvus d'un couvercle d'acier amovible solidement fixé et muni d'une garniture faite d'un matériau résistant aux BPC,
(iv) sont peints de sorte qu'ils ne puissent rouiller;
f) que les fûts servant au stockage des liquides contenant des BPC :
(i) ont une capacité ne dépassant pas 205 litres,
(ii) sont construits en acier d'une épaisseur minimale correspondant au calibre n° 16, sont fermés et comportent deux bondes,
(iii) sont peints de sorte qu'ils ne puissent rouiller;
g) que du matériel de nettoyage, notamment des solvants ou des matières absorbantes, est gardé en tout temps au lieu d'entreposage pour permettre le nettoyage des liquides et des solides qui se déversent.
h) qu'une quantité suffisante d'absorbant inerte est placée au fond de chaque conteneur d'équipement contenant des BPC de sorte que les fuites légères de déchets soient absorbées.

Requirements for medium storage sites
6(1) This section applies to a storage site that contains
(a) PCB in a quantity exceeding 1 kilogram;
(b) PCB liquids of an aggregate volume greater than 100 litres; or
(c) PCB solids of an aggregate weight greater than 100 kilograms.

Exigences applicables aux lieux d'entreposage de dimensions moyennes
6(1) Le présent article s'applique à tout lieu d'entreposage dans lequel est stockée une des quantités de matière suivantes :
a) une quantité de BPC supérieure à 1 kilogramme;
b) un volume global de liquides contenant des BPC supérieur à 100 litres;
c) un poids global de solides contenant des BPC supérieur à 100 kilogrammes.

6(2) An owner or operator of a storage site to which this section applies shall ensure:
(a) that the floor or other surface area, whether indoors or outdoors, on which PCB liquid or undrained PCB equipment other than fluorescent lighting ballasts is stored,
(i) is constructed of steel, concrete or other durable material, and

6(2) Le propriétaire ou l'exploitant d'un lieu d'entreposage visé par le présent article doit s'assurer :
a) que le plancher ou toute autre surface sur laquelle de l'équipement contenant des BPC non vidangé ou des liquides contenant des BPC, à l'exception des régulateurs d'éclairage fluorescent, sont stockés, que ce soit à l'extérieur ou à l'intérieur,
(i) est construit en acier, en béton ou en un autre matériau résistant,

(ii) has curbing or siding sufficient to contain at least twice the volume of the PCB liquid contained in the largest item of PCB equipment on the site or 25 per cent of the volume of all the PCB liquid on the site, whichever is the greater;

(b) where a floor or other surface area, or curbing or siding attached to a floor or other surface area, is capable of absorbing PCB, that the floor, surface area, curbing or siding is sealed with a durable PCB resistant coating;

(c) that floor drains, sumps or other openings in the floor or other surface area are closed and sealed to prevent the escape of liquid;

(d) that PCB waste is segregated from other chemicals kept in storage and, in the case of solvents and other flammable materials, is segregated by means of a fireproof barrier or adequate space separation;

(e) where the storage site is an indoor storage site with a mechanical exhaust system, that it is equipped with heat or smoke sensory controls to stop the ventilation fan and to close the intake and exhaust dampers of the fan in the event of a fire;

(f) that containers of PCB waste and PCB equipment, other than transformers on skids, are placed on pallets;

(g) subject to (i), that containers of PCB waste are stacked and located in a manner that enables access to permit inspection from all sides;

(h) that drums of PCB waste on pallets and containers that are designed for stacking are not stacked more than two high and are placed in storage in a manner that enables access to permit inspection from all sides;

(i) that a fire control and an emergency procedures plan that is approved by the local fire department is in effect; and

(j) that the local fire department is provided with a copy of any report submitted under section 12.

Requirements for large storage sites

7(1) This section applies to a storage site that contains

(a) PCB liquids of an aggregate volume greater than 10,000 litres; or

(b) PCB solids of an aggregate weight greater than 10,000 kilograms.

(ii) est entouré d'une bordure ou d'un muret suffisamment haut pour retenir le plus élevé des volumes suivants : le double du volume de liquides contenant des BPC que renferme la plus grosse pièce d'équipement dans le lieu d'entreposage ou 25 pour cent du volume global de liquide contenant des BPC qui s'y trouve;

b) que, dans les cas où le plancher ou toute autre surface ou la bordure ou le muret fixé au plancher ou à une autre surface est susceptible d'absorber des BPC, le plancher, la surface, la bordure ou le muret est scellé au moyen d'un revêtement résistant aux BPC;

c) que les drains, les puisards et les autres ouvertures pratiqués dans le plancher ou dans toute autre surface sont obturés et scellés de manière à empêcher que les liquides ne s'échappent;

d) que les déchets contenant des BPC sont séparés des autres produits chimiques stockés et, dans le cas des solvants et des autres matières inflammables, qu'ils en sont séparés par un écran à l'épreuve du feu ou par un espace suffisamment grand;

e) que, s'il s'agit d'un lieu d'entreposage intérieur doté d'un système de ventilation mécanique, des commandes sensibles à la chaleur et à la fumée y sont installées de sorte que le ventilateur cesse de fonctionner et que les registres d'admission et d'évacuation d'air se ferment en cas d'incendie;

f) que les conteneurs renfermant des déchets contenant des BPC et de l'équipement contenant des BPC, à l'exception des transformateurs sur patins, sont placés sur des palettes;

g) que, sous réserve de l'alinéa (i), les conteneurs renfermant des déchets contenant des BPC sont empilés de sorte qu'il soit possible de les inspecter de tous les côtés;

h) que les fûts sur palettes renfermant des déchets contenant des BPC et les conteneurs expressément conçus pour être empilés ne sont pas empilés à plus de deux de hauteur et sont stockés de sorte qu'il soit possible de les inspecter de tous les côtés;

i) qu'un plan d'intervention d'urgence et de lutte contre l'incendie, approuvé par le service local d'incendie, est en vigueur;

j) qu'une copie de tout rapport présenté aux termes de l'article 12 est fourni au service local d'incendie.

Exigences applicables aux lieux d'entreposage de grandes dimensions

7(1) Le présent article s'applique à tout lieu d'entreposage dans lequel est stockée une des quantités de matière suivantes :

a) une quantité de BPC supérieure à 1 kilogramme;

b) un volume global de liquides contenant des BPC supérieur à 10 000 litres;

c) un poids global de solides contenant des BPC supérieur à 10 000 kilogrammes.

7(2) Where a storage site to which this section applies is located inside a building or an enclosed area, the owner or operator of the site shall ensure that the storage site is equipped with a continuously monitored fire alarm system and portable or flood type fire extinguishers.

Maintenance and inspection

8 An owner or operator of a storage site shall:

(a) know and understand current PCB waste management procedures and the use of personal protection equipment and clean-up techniques;

(b) inspect the storage site on a monthly basis and in particular shall, on a monthly basis, inspect PCB equipment, the floors, drains and drainage systems of the storage site, the fire prevention apparatus, the personal protection equipment and the security fences;

(c) immediately repair the storage site and replace damaged or defective parts of the storage site as may be required from time to time; and

(d) immediately repair a container or piece of equipment that is found to be leaking PCB and immediately clean up contaminated areas.

Labelling requirements

9 An owner or operator of a storage site shall ensure:

(a) that capacitors containing one kilogram or more of PCB shall be labelled with either Environment Canada's serialized black and white "PCB CAUTION" label measuring 76mm by 76mm, or a reasonable alternative;

(b) that electrical transformers, electromagnets and other equipment containing PCB in a concentration exceeding 1% are labelled with either Environment Canada's serialized black and white "ATTENTION PCB" label measuring 150mm by 150mm, or a reasonable alternative;

(c) that equipment containing PCB in a concentration exceeding 50 parts per million by weight but not greater than 1% are labelled with either Environment Canada's "Warning Label for PCB-Contaminated Equipment" or a reasonable alternative;

(d) that drums containing PCB or material containing PCB in a concentration exceeding 50 parts per million by weight are labelled with a black and white "ATTENTION PCB" label measuring 150mm by 150mm or a reasonable alternative; and

(e) that all doors to the storage site, all fencing and other security barriers enclosing the storage site are labelled with a black and white "ATTENTION PCB" label measuring 150mm by 150mm, or a reasonable alternative.

7(2) Lorsqu'un lieu d'entreposage visé par le présent article est situé dans un bâtiment ou dans un espace clos, le propriétaire ou l'exploitant doit s'assurer que le lieu d'entreposage est équipé d'un réseau avertisseur d'incendie faisant l'objet d'une surveillance continue et d'extincteurs portatifs ou d'un système de gicleurs.

Entretien et inspection

8 Le propriétaire d'un lieu d'entreposage doit :

a) connaître les méthodes de gestion des déchets contenant des BPC, le mode d'utilisation de l'équipement de protection personnelle et les techniques de nettoyage;

b) procéder mensuellement à une inspection du lieu d'entreposage et, plus particulièrement, de l'équipement contenant des BPC, des planchers, des drains, des réseaux d'évacuation du lieu d'entreposage, de l'équipement de protection contre l'incendie, de l'équipement de protection personnelle et des clôtures de sécurité;

c) réparer sans délai le lieu d'entreposage et remplacer les pièces endommagées ou défectueuses dès que le besoin s'en fait sentir;

d) réparer sans délai les conteneurs ou l'équipement d'où s'échappent des BPC et nettoyer aussitôt les aires contaminées.

Étiquetage

9 Le propriétaire ou l'exploitant d'un lieu d'entreposage doit s'assurer :

a) que les condensateurs renfermant 1 kilogramme ou plus de BPC portent soit une étiquette noire et blanche de 76 mm sur 76 mm du ministère de l'environnement du Canada sur laquelle figurent un numéro matricule et la mention "ATTENTION BPC", soit une étiquette équivalente;

b) que les transformateurs électriques, les électro-aimants et tout autre équipement contenant des BPC dont la concentration est supérieure à 1 pour cent portent soit une étiquette noire et blanche de 150 mm sur 150 mm du ministère de l'environnement du Canada sur laquelle figurent un numéro matricule et la mention "ATTENTION BPC", soit une étiquette équivalente;

c) que l'équipement contenant des BPC dont la concentration est supérieure à 50 parties par million sans toutefois dépasser 1 % porte soit une étiquette du ministère de l'Environnement du Canada sur laquelle figure la mention "Attention - Equipement contaminé par les BPC", soit une étiquette équivalente;

d) que les fûts ou le matériel contenant des BPC dont la concentration est supérieure à 50 parties par million au poids portent soit une étiquette noire et blanche de 150 mm sur 150 mm sur laquelle figure la mention "ATTENTION BPC", soit une étiquette équivalente;

e) que les portes du lieu d'entreposage ainsi que les clôtures et les barrières de sécurité qui l'entourent portent soit une étiquette noire et blanche de 150 mm sur 150 mm sur laquelle figure la mention "ATTENTION BPC", soit une étiquette équivalente.

Information to be provided
10(1) An owner or operator of a storage site shall provide the following information with respect to the storage site:
(a) where the storage site is located in the City of Winnipeg or other municipality, the civic address of the storage site;
(b) with respect to a storage site to which clause (a) does not apply, the legal description of the property on which the storage site is located;
(c) the name and mailing address of the storage site owner and, where the operator of the storage site is not the owner, of the storage site operator;
(d) the name and telephone number of one or more individuals who can be contacted on a regular basis at the storage site and who is or are authorized to provide information that is required under this regulation; and
(e) a brief description of
(i) the building in which PCB waste is stored,
(ii) the size of the property that is used for the storage site,
(iii) the precise location of PCB waste at the storage site,
(iv) the container storage method used,
(v) the spill containment features in place at the site,
(vi) the security measures in place at the site,
(vii) the fire detection systems in place at the site, and
(viii) any other matter that pertains to the safe and secure storage of PCB waste.

10(2) An owner or operator of a storage site shall provide the following information with respect to PCB waste at the site:
(a) with respect to a PCB liquid in a container,
(i) the number and type of the container,
(ii) the amount of PCB liquid, by volume, in the container, and
(iii) subject to subsection (3), the concentration of PCB in the container;
(b) with respect to a PCB solid in a container,
(i) the number and type of the container,
(ii) a description of the contents of the container, and
(iii) the concentration of PCB in the PCB waste in the container where the concentration can be ascertained without breaking the seal of the container;
(c) with respect to a PCB solid or a piece of PCB equipment not in a container,
(i) a description of the piece of PCB equipment, including nameplate information,

Renseignements à fournir
10(1) Le propriétaire ou l'exploitant d'un lieu d'entreposage fournit les renseignements qui suivent concernant le lieu d'entreposage :
a) l'adresse du lieu d'entreposage si ce dernier est situé dans la Ville de Winnipeg ou dans une autre municipalité, ;
b) la description légale du bien-fonds sur lequel le lieu d'entreposage est situé si ce dernier n'est pas visé par l'alinéa a);
c) le nom et l'adresse postale du propriétaire du lieu d'entreposage et, dans le cas où l'exploitant n'est pas le propriétaire, le nom et l'adresse postale de l'exploitant;
d) le nom et le numéro de téléphone d'une ou de plusieurs personnes avec lesquelles il est possible de communiquer régulièrement au lieu d'entreposage et qui sont autorisées à fournir les renseignements exigés par le présent règlement;
e) une brève description des éléments suivants :
(i) le bâtiment dans lequel les déchets contenant des BPC sont stockés,
(ii) les dimensions du bien-fonds servant de lieu d'entreposage,
(iii) l'endroit précis où les contenant des BPC sont stockés dans le lieu d'entreposage,
(iv) la méthode d'entreposage des conteneurs utilisée,
(v) les dispositifs de retenue installés au cas ou un déversement de déchets se produisait au lieu d'entreposage,
(vi) les mesures de sécurité mises en place au lieu d'entreposage,
(vii) les réseaux avertisseurs d'incendie installés au lieu d'entreposage,
(viii) tout autre élément susceptible d'influer sur la sécurité en matière d'entreposage des déchets contenant des BPC.

10(2) Le propriétaire ou l'exploitant d'un lieu d'entreposage fournit les renseignements qui suivent sur les déchets contenant des BPC stockés à cet endroit :
a) relativement à tout liquide contenant des BPC stocké dans des conteneurs,
(i) le nombre et le genre de conteneurs,
(ii) la quantité de liquide contenant des BPC, exprimée en volume, stockée dans les conteneurs,
(iii) sous réserve du paragraphe (3), la concentration de BPC dans les conteneurs;
b) relativement à tout solide contenant des BPC stocké dans des conteneurs,
(i) le nombre et le genre de conteneurs,
(ii) une description des solides stockés dans les conteneurs,
(iii) la concentration de BPC dans les déchets stockés dans les conteneurs s'il est possible de la déterminer sans briser le joint d'étanchéité des conteneurs;
c) relativement à tout solide contenant des BPC et à toute pièce d'équipement contenant des BPC qui n'est pas stocké dans un conteneur,
(i) une description de la pièce d'équipement contenant des BPC, y compris les renseignement figurant sur la plaque signalétique,

(ii) the volume of PCB liquid remaining in the piece of PCB equipment,
(iii) subject to subsection (3), the concentration of PCB in the PCB liquid remaining in each piece of PCB equipment,
(iv) subject to subsection (3), where the piece of PCB equipment is drained of PCB liquid, the concentration of PCB in the PCB liquid last contained in the PCB equipment,
(v) a description of the method of storage of PCB liquids, PCB solids and PCB equipment.

10(3) For purposes of clauses (2)(a)(iii), (2)(c)(iii) and (2)(c)(iv), where the concentration of PCB is unknown for PCB waste that consists of PCB liquids or that consists of uncontained PCB solids, an owner or operator may submit the best information that is available and shall make arrangements to have the concentration determined within 60 days of the date of the submission of the information.

Maintenance of books and records

11 An owner or operator of a storage site shall maintain books and records in which the owner or operator shall record

(a) the information required under section 10;
(b) with respect to each item of PCB waste that is stored at the site after the effective date of this regulation,
(i) the date of receipt of the item,
(ii) a description of the item, including the nameplate description, serial number, PCB registration number and quantity of the item,
(iii) the condition of the item on the date of receipt,
(iv) the source of the item,
(v) the name of the carrier of the item to the site, and
(vi) the name of the individual who accepted receipt of the item at the site;
(c) with respect to an item of PCB waste that is removed from the site,
(i) the date of removal of the item,
(ii) a description of the item, including the nameplate description, serial number, PCB registration number and quantity of the item,
(iii) the condition of the item at the time of removal,
(iv) the name of the carrier that removed the item,
(v) the destination of the item, and
(vi) the name of the individual authorizing the removal and transport of the item; and
(d) reports of monthly inspections and action, if any, that is taken under clauses 8(b), (c) or (d).

(ii) le volume de liquide contenant des BPC qui reste dans la pièce d'équipement,
(iii) sous réserve du paragraphe 3, la concentration de BPC du liquide qui reste dans chaque pièce d'équipement,
(iv) sous réserve du paragraphe (3), si le liquide contenant des BPC a été vidangé de la pièce d'équipement, la concentration de BPC du liquide vidangé,
(v) une description de la méthode d'entreposage des liquides contenant des BPC, des solides contenant des BPC et de l'équipement contenant des BPC.

10(3) Pour l'application des alinéas (2)a)(iii), (2)c)(iii) et (2)c)(iv), si la concentration de BPC des déchets liquides contenant des BPC et des déchets solides contenant des BPC qui ne sont pas dans des conteneurs est inconnue, le propriétaire ou l'exploitant peut fournir les renseignements les plus précis qu'il possède et prendre des mesures afin que la concentration exacte soit déterminée dans les 60 jours qui suivent la date de présentation des renseignements.

Registres

11 Le propriétaire ou l'exploitant d'un lieu d'entreposage doit tenir des registres dans lesquels il consigne :

a) les renseignements prévus à l'article 10;
b) les renseignements énumérés ci-dessous au sujet de tous les déchets contenant des BPC qui sont stockés dans le lieu d'entreposage après la date d'entrée en vigueur du présent règlement,
(i) la date de réception des déchets,
(ii) une description des déchets, y compris celle figurant sur la plaque signalétique, le numéro de série, le numéro d'enregistrement des BPC, et la quantité stockée,
(iii) l'état des déchets à la date de réception,
(iv) la provenance des déchets,
(v) le nom du transporteur qui a livré les déchets au lieu d'entreposage,
(vi) le nom de la personne qui a accepté les déchets au lieu d'entreposage;
c) les renseignements énumérés ci-dessous au sujet des déchets contenant des BPC qui sont enlevés du lieu d'entreposage,
(i) la date d'enlèvement des déchets,
(ii) une description des déchets, y compris celle figurant sur la plaque signalétique, le numéro de série, le numéro d'enregistrement des BPC et la quantité stockée,
(iii) l'état des déchets à la date de l'enlèvement,
(iv) le nom du transporteur qui a enlevé les déchets,
(v) la destination des déchets,
(vi) le nom de la personne qui a autorisé l'enlèvement et le transport des déchets;
d) les rapports d'inspection mensuelle et les mesures prises, s'il y a lieu, aux termes des alinéas 8b), c) ou d).

Reporting requirements
12(1) Subject to subsection (2), an owner or operator of a storage site shall submit to the director,
(a) subject to subsection (2), within 30 days after this regulation comes into force, a copy of the records kept in accordance with section 10;
(b) a copy of the records in accordance with section 10 within 30 days of the establishment of a new storage site; and
(c) twice in each year on, or within a 7 day period following, January 1 and July 1, a copy of the records kept in accordance with clauses 11(b) and (c).

12(2) Clause (1)(a) does not apply to an owner or operator of a storage site who has complied with an order of the director made under section 13 of the Act that requires similar information.

New storage sites
13 No person shall, after the effective date of this regulation, establish a storage site without the written approval of the director.

No disposal without authorization
14 No person shall dispose of PCB waste without a prior written authorization from the director.

Production d'exemplaires des registres
12(1) Sous réserve du paragraphe (2), le propriétaire ou l'exploitant d'un lieu d'entreposage fournit au directeur :
a) dans les 30 jours qui suivent la date d'entrée en vigueur du présent règlement, une copie des registres tenus conformément à l'article 10;
b) dans les 30 jours qui suivent l'établissement d'un nouveau lieu d'entreposage, une copie des registres tenus conformément à l'article 10;
c) deux fois par année, soit le 1er janvier et le 1er juillet, ou pendant la période de 7 jours qui suit chacune de ces deux dates, une copie des registres prévus aux alinéas 11b) et c).

12(2) L'alinéa 1a) ne s'applique pas au propriétaire ni à l'exploitant d'un lieu d'entreposage qui s'est conformé à un ordre donné par le directeur en vertu de l'article 13 de la Loi, lequel ordre exige la remise de renseignements semblables.

Nouveaux lieux d'entreposage
13 Il est interdit, après la date d'entrée en vigueur du présent règlement, d'établir un lieu d'entreposage sans l'autorisation écrite du directeur.

Interdiction d'éliminer des BPC
14 Il est interdit d'éliminer des déchets contenant des BPC sans l'autorisation écrite du directeur.

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Reporting of environmental accidents

3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling

(a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or

(b) the local police or fire department, as appropriate.

"

3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available:

(a) the location and time of the accident;

(b) the name and telephone number of the person reporting the accident;

(c) a brief description of the circumstances of the accident and its status at the time of the report;

(d) the identity and quantity of the contaminant;

(e) the name of the owner of the contaminant;

(f) the action that the person making the report has taken or intends to take with respect to the accident;

(g) other relevant information required by the person to whom the report is made.

3(3) Where requested to do so by an environment officer, a person referred to in subsection (1) shall file a written report with the department setting out such information as is requested by the environment officer.

Rapport sur les accidents relatifs à l'environnement

3(1) Toute personne qui est responsable ou chargée de la garde ou de la surveillance d'un contaminant ayant causé un accident relatif à l'environnement doit faire rapport de l'accident sans délai en téléphonant à l'un ou l'autre des organismes suivants;

a) le ministère de l'Environnement et de la Sécurité et de l'hygiène du travail du Manitoba dont le numéro de téléphone est (204) 944-4888;

b) le corps de police ou le poste de pompiers local, selon le cas.

3(2) Le rapport visé au paragraphe (1) doit comprendre les renseignements qui suivent lorsque ceux-ci sont connus ou qu'il est possible de se les procurer :

a) l'endroit et l'heure de l'accident;

b) le nom et le numéro de téléphone de la personne qui fait le rapport sur l'accident;

c) une brève description des circonstances de l'accident et de la situation au moment où le rapport est présenté;

d) la nature du contaminant et la quantité répandue;

e) le nom du propriétaire du contaminant;

f) les mesures que la personne ayant fait le rapport a prises ou a l'intention de prendre relativement à l'accident;

g) tout autre renseignement pertinent dont pourrait avoir besoin la personne à laquelle le rapport est communiqué.

3(3) Toute personne visée au paragraphe (1) doit, à la demande d'un agent de l'environnement, déposer auprès du ministère un rapport écrit fournissant tous les renseignements demandés par l'agent de l'environnement.

VI. NEWFOUNDLAND

Waste Material Disposal Act

Subject of Act

This Act applies to the storing or disposal of waste material, except for domestic waste materials. "Waste material" includes substances designated as waste material in the regulations. The Storage of PCB Wastes Regulations promulgated under the Act specifically applies to PCB waste.

The Storage of PCB Wastes Regulations

Subject of Regulations

These regulations apply to all PCB storage sites containing PCBs in a quantity exceeding 1 kg; PCB liquids of a volume greater than 100 litres; or PCB solids of a weight greater than 100 kg. "PCB liquid" means any liquid containing more than 50 PPM by weight of chlorobiphenyls. "PCB solid" means any material or substance other than a PCB liquid containing chlorobiphenyls at a concentration greater than 50 PPM by weight. For the purposes of determining quantity, volume or weight, the total amount stored in all locations or around the same place are added together (s.3(2)).

Site and Operations Requirements

S.4 requires every owner or operator of a storage site to ensure that a fire control and emergency procedures plan approved by the local fire department is in effect. In

particular it requires that every indoor PCB storage site be equipped with a continuously monitored fire alarm system; with portable or flood type fire extinguishers; with materials for clean up and that the local fire department be provided with a current inventory and location on site of PCB wastes.

S.5 mandates every owner or operator to comply with specific knowledge requirements and inspection and repair standards. The requirements and standards involve PCB waste management procedures; personnel protection equipment and clean up techniques, monthly inspections of PCB storage sites, immediate repair of any containers or equipment leaking PCBs and immediate clean up.

S.6 sets out labelling requirements for capacitors containing 1 kg or more of chlorobiphenyls, electrical transformers, electromagnets and other equipment containing chlorobiphenyls in a concentration exceeding 1%, equipment containing chlorobiphenyls in a concentration exceeding 50 PPM by weight but not greater than 1%, drums containing chlorobiphenyls or material containing chlorobiphenyls in a concentration exceeding 50 PPM, doors to storage sites, fencing and other security barriers enclosing storage sites. In each of these cases the regulation requires using either Environment Canada's serialized labels or a reasonable alternative. S.6 also requires that signs and labels be maintained in a condition satisfactory to the Minister, that weathered signs be replaced and that dusty labels be cleaned.

S.7 deals with books and records. It requires operators or owners of storage sites to keep books and records including an inventory of each item of PCB waste and quantity of PCBs, specified information regarding receipt at the site including date of receipt, description of waste, condition of waste, source of waste and name of carrier and name of individual who accepted the PCB waste. S.7 also requires similar information for each item of PCB waste removed from the site, as well as reports of monthly inspections and actions regarding waste received at the site and leaving the site.

S.8 requires every owner and operator of a site to submit to the Minister copies of records regarding waste received and leaving the site on January 1st and July 1st annually.

S.9 enables the Minister to publish in the Newfoundland Gazette and in other any manner the Minister considers appropriate a notice requiring persons described in the notice to notify the Minister regarding that person's engagement in any activity regarding PCBs. The regulations refer to two such notices. S.3(3) of the regulations state that storage sites that have been issued a current certificate under s.12 or s.17 of the Act are exempt from s.9 of the regulations. S.12 of the Act concerns municipalities operating a waste management system. A "waste management system" means facilities, equipment and operations for the management of waste, including the collection, handling, transportation, storing, processing, use and disposal

of wastes (S.2(m)). S.17 prohibits persons from depositing, etc., or otherwise disposing of waste upon land or in a building that is not a waste disposal site for which a certificate has been granted unless disposed of in a receptacle or container placed or specifically located for the purposes of collection; or to use facilities or management for collection, handling, transportation, storing, processing, use and disposal of waste material that is not a part of a waste management system for which a certificate has been granted.

VII. NORTHWEST TERRITORIES

Environmental Protection Act

Subject to certain exceptions in s.5(5)(3), s.5 of the Environmental Protection Act prohibits any person from discharging or permitting the discharge of a contaminant into the environment. "Contaminant" under the Act would include PCBs. S.34 authorizes the Commissioner on the recommendation of the Minister to make regulations on many aspects of contaminants, including storage, handling, safety and disposal.

Spill Contingency Planning and Reporting Regulations

Subject of Regulations

These regulations (portions appended) promulgated under the Environmental Protection Act concern spill contingency planning and reporting in respect of contaminants including PCBs. The regulations define "PCB" to mean chlorobiphenyls that have a molecular formula $C_{12}\ H_{10-N}\ Cl_N$ in which "N" is greater than 2.

Ss 3 to 8 do not apply to motor vehicles; sewage and sewage sludge; or contaminants used solely for domestic purposes and discharge from a dwelling place exempt from the regulations.

Still Contingency Plan

S.3 of the regulations prohibit any person from storing contaminants (including PCBs) in a facility where the storage capacity of the facility equals or exceeds the storage capacity shown in schedule A (appended) unless a spill capacity plan has been prepared and filed in accordance with the regulations.

S.3(2) enables the Chief Environmental Protection Officer to order a spill contingency plan even where the storage capacity of a facility is less than that shown on schedule A.

S.3(3) enables the Chief Environmental Protection Officer to exempt a person from the requirement to file a spill contingency plan or to include certain information in it when the Officer is satisfied that the person uses a means of storing contaminants and has a method of dealing with a spill that provide an equivalent level of environmental protection as that provided by the regulations.

S.4 requires the owner or person in charge, management or control of the facility to ensure that a spill contingency plan is prepared. S.4(4)(2) sets out the information that must be included in a spill contingency plan.

S.5 requires the person responsible for preparing the plan to file it with the Chief Environmental Protection Officer before making use of the facility.

S.6 enables the Chief Environmental Protection Officer to make changes to the plan and requires the person who filed the plan to make the changes.

S.7 requires the person responsible for preparing the plan to review it annually and to notify the Chief Environmental Protection Officer of any changes.

S.8 requires the person responsible for preparing the plan to implement it.

Ss 9, 10, and 11 set out the requirements of the owner or a person in charge in case of a spill, including who to call and details regarding the information to provide. The section requires a person to report a spill notwithstanding lack of knowledge of any of the information.

2. (1) Sections 3 to 8 of these regulations do not apply to the following:

(a) a motor vehicle, as defined in the *Motor Vehicles Act*, unless that motor vehicle is an above ground facility;

(b) sewage and sewage sludge.

(2) Contaminants used solely for domestic purposes and discharged from within a dwelling-house are exempt from the requirements of these regulations.

(3) In Schedule A, the amounts set out in column 3 under the heading "STORAGE CAPACITY" refer to liquids, where the amount is expressed in litres, and to solids, where the amount is expressed in kilograms.

(4) In Schedule B, the amounts set out in column 4 under the heading "AMOUNT SPILLED" refer to liquids, where the amount is expressed in litres, and to solids, where the amount is expressed in kilograms.

SPILL CONTINGENCY PLAN

3. (1) No person shall store contaminants in a facility where the storage capacity of the facility equals or exceeds the storage capacity shown in Schedule A unless a spill contingency plan has been prepared and filed in accordance with these regulations.

(2) Where the storage capacity of a facility is less than the storage capacity shown in Schedule A and where, in the opinion of the Chief Environmental Protection Officer a spill contingency plan is necessary for the protection of the environment, the Chief Environmental Protection Officer may require the owner or person in charge, management or control of a facility to prepare a spill contingency plan.

«Loi» La *Loi sur la protection de l'environnement*. (*Act*)

2. (1) Les articles 3 à 8 du présent règlement ne s'appliquent pas :

a) à un véhicule automobile au sens de la *Loi sur les véhicules automobiles*, à moins que le véhicule automobile ne soit une installation en surface;

b) aux eaux usées ni aux boues d'épuration.

(2) Le présent règlement ne s'applique pas aux contaminants utilisés uniquement à des fins domestiques dont le rejet provient de l'intérieur d'une maison d'habitation.

(3) Les quantités prévues à la troisième colonne de l'annexe A, sous l'intertitre «CAPACITÉ D'ENTREPOSAGE», visent les matières liquides lorsque la mesure se fait en litres, et les matières solides lorsque la mesure se fait en kilogrammes.

(4) Les quantités prévues à la quatrième colonne de l'annexe B, sous l'intertitre «QUANTITÉ DÉVERSÉE», visent les matière liquides lorsque la mesure se fait en litres, et les matières solides lorsque la mesure se fait en kilogrammes.

PLAN DE CONTRÔLE DES DÉVERSEMENTS

3. (1) Il est interdit d'entreposer des contaminants dans une installation dont la capacité d'entreposage est égale ou supérieure à celle indiquée à l'annexe A, à moins d'avoir établi un plan de contrôle des déversements et de l'avoir soumis en conformité avec le présent règlement.

(2) Dans le cas où la quantité de contaminants entreposés est inférieure à la capacité d'entreposage indiquée à l'annexe A, le directeur de la protection de l'environnement peut exiger du propriétaire ou du responsable d'une installation l'établissement d'un plan de contrôle des déversements, si le directeur est d'avis qu'un tel plan est nécessaire aux fins de protection de l'environnement.

(3) Where the Chief Environmental Protection Officer is satisfied, on reasonable grounds, that a person uses a means of storing contaminants and a method of dealing with the spill of contaminants, that provide a level of environmental protection at least equivalent to that which would be provided by compliance with these regulations, the Chief Environmental Protection Officer may, in writing, subject to such conditions as the Chief Environmental Protection Officer considers necessary,

(a) exempt a person from the requirement to file a spill contingency plan under subsection (1); or

(b) exempt a person from the requirement to include in a spill contingency plan information required in one or more of paragraphs 4(2)(a) to (j).

4. (1) The owner or person in charge, management or control of a facility shall ensure that a spill contingency plan is prepared.

(2) A spill contingency plan for a facility must contain the following information:

(a) the name, address and job title of the owner or person in charge, management or control;

(b) the name, job title and 24-hour telephone number for the persons responsible for activating the spill contingency plan;

(c) a description of the facility including the location, size and storage capacity;

(d) a description of the type and amount of contaminants normally stored at the location described in paragraph (c);

(e) a site map of the location described in paragraph (c);

(f) the steps to be taken to report, contain, clean up and dispose of contaminants in the case of a spill;

(g) the means by which the spill contingency plan is activated;

(h) a description of the training provided to employees to respond to a spill;

(i) an inventory of and the location of response and clean-up equipment available to implement the spill contingency plan;

(j) the date the contingency plan was prepared.

(3) S'il est convaincu, pour des motifs raisonnables, que la méthode qu'utilise une personne pour l'entreposage des contaminants et celle qu'elle utilise pour faire face au déversement de contaminants offrent un degré de protection de l'environnement qui n'est pas inférieur à celui exigé en application du présent règlement, le directeur de la protection de l'environnement peut par écrit, sous réserve des autres conditions qu'il estime nécessaires :

a) soit soustraire cette personne de l'obligation de soumettre un plan de contrôle des déversements en vertu du paragraphe (1);

b) soit soustraire cette personne de l'obligation d'inclure au plan de contrôle des déversements l'un ou l'autre des renseignements prévus aux alinéas 4(2)a) à j).

4. (1) Le propriétaire ou le responsable d'une installation doit faire en sorte qu'un plan de contrôle des déversements soit établi.

(2) Le plan de contrôle des déversements applicable à une installation fait état des renseignements suivants :

a) le nom, l'adresse et le poste du propriétaire ou du responsable;

b) le nom et le poste des responsables de la mise en oeuvre du plan de contrôle des déversements, ainsi que le numéro de téléphone où ils peuvent être rejoints 24 heures par jour;

c) la description de l'installation, notamment le lieu, les dimensions et la capacité d'entreposage;

d) la nature des contaminants habituellement entreposés dans l'installation mentionnée à l'alinéa c), ainsi que la quantité de contaminants qui y sont habi-tuellement entreposées;

e) une carte du lieu mentionné à l'alinéa c);

f) la procédure de rapport, ainsi que les mesures de confinement, de nettoyage et d'élimination prévues en cas de déversement;

g) la procédure de mise en oeuvre du plan de contrôle des déversements;

h) la description de la formation donnée aux employés en matière de mesures à prendre en cas de déversement;

i) l'inventaire et le lieu d'entreposage de l'équipement de nettoyage et de mise

en oeuvre du plan de contrôle des déversements;

j) la date d'établissement du plan de contrôle des déversements.

5. (1) Subject to subsection (2), the person responsible for preparing a spill contingency plan shall file the plan with the Chief Environmental Protection Officer before making use of a facility.

5. (1) Sous réserve du paragraphe (2), le responsable de l'établissement d'un plan de contrôle des déversements soumet le plan au directeur de la protection de l'environnement avant de faire usage d'une installation.

(2) Where a facility is already in use on the day these regulations come into force, the person responsible for preparing a spill contingency plan shall file the plan with the Chief Environmental Protection Officer within one year after that day.

(2) Dans le cas où une installation est déjà en usage à la date d'entrée en vigueur du présent règlement, le responsable de l'établissement du plan de contrôle des déversements doit soumettre le plan au directeur de la protection de l'environnement dans l'année qui suit cette entrée en vigueur.

6. (1) The Chief Environmental Protection Officer shall review each spill contingency plan after it is filed.

6. (1) Le directeur de la protection de l'environnement révise chaque plan de contrôle des déversements qui lui est soumis.

(2) The Chief Environmental Protection Officer may require the person who filed the spill contingency plan to make changes to it.

(2) Le directeur de la protection de l'environnement peut exiger que la personne qui soumet un plan de contrôle des déversements y apporte des modifications.

(3) Where the Chief Environmental Protection Officer requires changes under subsection (2), he or she may indicate a reasonable period of time within which the changes must be filed.

(3) Dans le cas où le directeur de la protection de l'environnement exige, en vertu du paragraphe (2), que des modifications soient apportées au plan de contrôle des déversements, il peut fixer un délai raisonnable pour la soumission de ces modifications.

(4) The person who filed a spill contingency plan shall make and file any changes required under subsection (2).

(4) La personne qui soumet un plan de contrôle des déversements doit apporter et soumettre toute modification exigée en vertu du paragraphe (2).

7. (1) The person responsible for preparing a spill contingency plan shall review the plan annually.

7. (1) Le responsable de l'établissement d'un plan de contrôle des déversements doit le réviser annuellement.

(2) The person responsible for preparing a spill contingency plan shall, in writing, notify the Chief Environmental Protection Officer when a review under subsection (1) has been completed and shall immediately file with the Chief Environmental Protection Officer any changes made to the plan.

(2) Le responsable de l'établissement d'un plan de contrôle des déversements doit aviser par écrit le directeur de la protection de l'environnement de la révision du plan en vertu du paragraphe (1), et lui soumettre immédiatement toute modification apportée au plan.

8. Once a spill contingency plan has been filed, the person responsible for preparing the plan shall implement the plan.

8. Après avoir soumis un plan de contrôle des déversements, le responsable de l'établissement du plan le met en oeuvre.

SPILLS

DÉVERSEMENTS

9. (1) The owner or person in charge,

9. (1) Lorsque survient le déversement d'une

management or control of contaminants at the time a spill occurs shall immediately report the spill where the spill is of an amount equal to or greater than the amount set out in Schedule B.

(2) Where there is a reasonable likelihood of a spill in an amount equal to or greater than the amount set out in Schedule B, the owner or person in charge, management or control of the contaminants shall immediately report the potential spill.

10. A person reporting a spill shall contact the 24 Hour Spill Report Line by calling **(403) 920-8130.**

11. (1) A person reporting a spill shall give as much of the following information as possible:

(a) date and time of spill;
(b) location of spill;
(c) direction spill is moving;
(d) name and phone number of a contact person close to the location of spill;
(e) type of contaminant spilled and quantity spilled;
(f) cause of spill;
(g) whether spill is continuing or has stopped;
(h) description of existing containment;
(i) action taken to contain, recover, clean up and dispose of spilled contaminant;
(j) name, address and phone number of person reporting spill;
(k) name of owner or person in charge, management or control of contaminants at time of spill.

(2) No person shall delay reporting a spill because of lack of knowledge of any of the factors listed in subsection (1).

12. No person shall knowingly make a false report of a spill or a potential spill.

13. (1) For the purposes of evaluating the effectiveness of the spill contingency plan, the Chief Environmental Protection Officer may require, in writing, the owner or person in charge,

quantité de contaminants au moins égale à celles stipulées à l'annexe B, le propriétaire ou le responsable du contaminant au moment du déversement est tenu de le signaler sur-le-champ.

(2) Le propriétaire ou le responsable de contaminants a l'obligation de signaler sur-le-champ un déversement potentiel lorsqu'il est raisonnablement possible que la quantité déversée soit au moins égale à celle stipulée à l'annexe B.

10. La personne qui signale un déversement le fait à toute heure en téléphonant à SOS Déversement, au **(403) 920-8130.**

11. (1) La personne qui signale un déversement doit indiquer, dans la mesure du possible :

a) la date et l'heure du déversement;
b) le lieu du déversement;
c) la direction dans laquelle le déversement s'étend;
d) le nom et le numéro de téléphone d'une personne vivant à proximité des lieux du déversement et qui peut être contactée;
e) la nature des contaminants et la quantité déversée;
f) la cause du déversement;
g) le fait que le déversement soit terminé ou non;
h) les moyens de confinement déjà en place;
i) les mesures prises pour confiner, ramasser et éliminer les contaminants et nettoyer les lieux;
j) le nom, l'adresse et le numéro de téléphone de la personne qui signale le déversement;
k) le nom du propriétaire ou celui du responsable des contaminants au moment du déversement.

(2) Il est interdit de retarder le signalement d'un déversement en raison d'un manque de connaissance des éléments d'information indiqués au paragraphe (1).

12. Il est interdit de faire sciemment un faux signalement d'un déversement ou d'un déversement potentiel.

13. (1) Le directeur de la protection de l'environnement peut, à des fins d'évaluation de l'efficacité du plan de contrôle des déversements, exiger par écrit du propriétaire ou du responsable

management or control of a facility at the time a spill occurred to prepare and file a written report concerning the spill.

(2) The person required to prepare the report described in subsection (1) shall provide all information required by the Chief Environmental Protection Officer.

Dated at Yellowknife, July , 1993.

d'une installation au moment d'un déversement qu'il présente un rapport écrit relatif au déversement.

(2) La personne à qui le directeur de la protection de l'environnement demande de présenter un rapport sur un déversement doit fournir tous les renseignements exigés par le directeur.

Fait à Yellowknife, le juillet 1993.

D.L. Norris
Commissioner of the Northwest Territories
Commissaire des Territoires du Nord-Ouest

VIII. NOVA SCOTIA

Dangerous Goods and Hazardous-wastes Management Act

Subject of Act

This Act applies to the handling of dangerous goods for any purpose and the handling of hazardous waste on property owned by the person responsible for it or elsewhere. It does not apply to household or farm waste except as prescribed by the Governor in Counsel. It also does not apply to the transportation of dangerous goods or hazardous waste(s.3). The PCB Storage Regulations promulgated under this Act, designate PCB waste as hazardous waste for the purposes of the Act (s.14 of regulations).

Relevant Provisions of Act

Notification and Handling of Hazardous Waste

S.5 requires a person responsible for a hazardous waste to notify the Minister regarding its location, approximate quantities at each place and intended treatment or place of disposition.

S.6 prohibits any person from storing, treating, disposing or reprocessing a hazardous waste except at facilities approved by the Minister, and prohibits any person from operating a hazardous waste management facility without the approval of the Minister.

S.7 sets forth numerous powers of the Minister to direct the person responsible for dangerous goods or hazardous waste to take certain precautions or actions in respect of the waste.

S.8 requires the person responsible for the dangerous goods or hazardous waste to immediately notify the Minister upon becoming aware of any spill and to take measures directed by the Minister or a person designated by the Minister consistent with public safety to repair, remedy and confine the effects and remove the goods or wastes in a manner to protect human life, health and the environment.

The PCB Storage Regulations

Subject of Regulations

These regulations made under the Dangerous Goods and Hazardous-wastes Management Act apply to every storage site containing:

> PCB waste in a quantity exceeding 1.0 kg ("PCB waste" includes PCB liquid, PCB solid, or PCB equipment that has been taken out of service for the purpose of disposal);
>
> PCB liquid of a volume greater than 100 litres ("PCB liquid" means any liquid containing more than 50 PPM by weight of chlorobiphenyls);
>
> PCB solids of a weight greater than 100 kg ("PCB solid" means any material or substance other than PCB liquid that contains chlorobiphenyls at a concentration greater than 50 PPM by weight of chlorobiphenyls) (s.3(1)).

The Minister may determine that these regulations apply to lesser quantities, volumes or weights than those mentioned above (s.3(2)).

Access to Site and Regulation of Site

S.5 sets out the requirements for the person who owns, occupies or operates or is responsible for a storage site in respect of acts, including that it is controlled to prevent unauthorized entry, that equipment or material not used for handling of PCB waste is not stored or in the site, that a registry is maintained to record information regarding each authorized person, and to prohibit entry without authorization.

S.6 sets out numerous provisions regarding the storage site itself, including requirements regarding the floor or other surface of the storage site the sealing of curbing or sides, the closing and sealing of drains, sumps or other openings, and the segregation of PCB waste from other materials and substances.

Maintenance and Repair

S.8 requires inspection on a monthly basis of the storage site and specific aspects of the site and immediate repair of any containers or equipment found to be leaking PCBs and clean up of any contaminated area.

Inspection

S.9 sets out numerous provisions regarding inspections including to enable the Minister to appoint inspectors, to enable inspectors to inspect and to require cooperation of the person who owns, occupies the storage site.

Labelling

S.10 sets out labelling requirements for capacitors, electrical transformers, electro magnets, equipment containing chlorobiphenyls, drums containing chlorobiphenyls and doors, fencing and other security barriers.

Books, Records and Reporting

S.4 requires every person who owns, occupies, operates or is responsible for a storage site to provide the Director with the address and location of the site.

S.11 sets out requirements for maintaining books and records respecting an inventory of PCB waste and quantity contained at storage site; for each item of PCB, including date of receipt, description, condition, source, name of carrier and name of individual who accepted receipt. S.11 requires similar information for each item leaving the storage site, as well as reports of monthly inspections as required by the Director.

S.12 requires copies of records kept regarding PCB waste received and leaving the site on January 1st and July 1st of each year.

IX. ONTARIO

Environmental Protection Act

This Act provides for the protection and conservation of the natural environment. Expressly relevant to PCBs are the requirements regarding the use, operation or establishment of a waste management system or a waste disposal site. The Waste Management PCBs Regulation under the Act specifically deals with PCB management.

Waste Management PCBs Regulation

Certain Exemptions from Environmental Protection Act

S.5 of the Waste Management PCBs Regulation (portions appended) exempts a PCB waste disposal site from ss 27, 40 and 41 of the Act provided that the owner of the site reports to the Director the information required under that regulation and otherwise complies with the regulation. Briefly:

- S.27 of the Act prohibits any person from using, operating, establishing, altering, enlarging or extending a waste management system or waste disposal site unless a certificate of approval or provisional certificate of approval has been issued by the Director.
- S.40 prohibits any person from depositing waste on or through land covered by water or in any building that is not a waste disposal site for which a certificate of approval has been issued except in accordance with the terms of such certificate.
- S.41 prohibits any person from using any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system unless in accordance with the terms and conditions of a certificate.

Application of Waste Management PCB Regulation

This regulation defines key terms as follows:

"PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them that contains one or more of them;

"PCB equipment" means equipment designed or manufactured to operate with PCB liquid or to which a PCB liquid was added or drums and other containers used for the storage of PCBs;

"PCB liquid" means (a) liquids, other than liquids used or proposed for use for road oiling contains PCBs at a concentration of more than 50 PPM by weight, (b) liquids used or proposed for use for road oiling, containing PCBS at a concentration of more than 5 PPM by weight, and (c) liquids made contrary to s.6 by diluting liquids referred to in 6(a) or 6(b);

"PCB materials" means materials containing PCBs at a concentration of more than 50 PPM by weight whether the material is liquid or not;

"PCB waste" means PCB liquid, solid, equipment or material but does not include (a) PCB material or equipment after decontamination pursuant to Ministerial guidelines or the Director's instructions; (b) PCB equipment that is (i) an electrical capacitor that has never contained more than 1 kg of PCBs, (ii) electrical, heat transfer or hydraulic equipment or a vapour diffusion pump that is being put to the use for which it was originally designed or is being stored for such use by a person who uses such equipment for the purpose for which it was originally designed, or (iii) machinery or equipment referred to in (i) below under "PCB liquid that", or

PCB liquid that (i) is at the site of fixed machinery or equipment, the operation of which is intended to destroy the chemical structure of PCBs by using the PCBs as a source of fuel or chlorine for purposes other than the destruction of PCBs or other wastes and with respect to which a certificate of approval has been issued under s.8 of the Act specifying manner of PCB liquid processing in machinery or equipment, or (ii) is in PCB equipment referred to in (v)(B) of the regulation .

S.4 requires every operator of a waste disposal site to keep records of all PCB waste held by the operator. S.4 sets out the specific information required in the records.

This information requires detailed factors regarding the receipt and delivery of PCBs.

S.4(3) requires every operator to report to the Director the information required to be recorded by telephone immediately or within 3 days after waste comes to the site, and in writing 30 days after PCB waste is taken to or from the site.

S.4(4) states that a record of PCB waste transfer submitted to the Ministry under ss 23, 24 or 25 of regulation 347 (General - Waste Management Regulation) satisfies these requirements with respect to PCB waste referred to in that record.

S.5 sets out the conditions under which a PCB disposal site may be exempted from certain provisions of the Act.

S.6 prohibits any person from disposing of, decontaminating or otherwise managing PCB waste or diluting it that is in a liquid form except in or to a waste management system operating under a certificate of approval or in accordance with the written directions of the Director.

S.7 sets out requirements regarding security measures for storing PCBs and duties on every person storing PCBs.

S.8 prohibits any person from having any PCB wastes at a waste disposal site

received after January 15, 1982 unless the waste was delivered under written instructions of the Director, or in accordance with a certificate of approval for the waste disposal site.

Related Legislation

This report is limited to PCBs in use or storage and does not cover PCB destruction, unless, as in the federal regulation Federal Mobile PCB Treatment and Destruction Regulations the regulations also cover aspects of use or storage. However we point out that there is an Ontario regulation called Mobile PCB Destruction Facilities. This regulation covers mobile PCB destruction facilities that process PCB waste. As well we point out that s.12(2) of the Environmental Assessment Act exempts from the environmental assessment requirement the locating of a mobile PCB destruction facility on crown lands, a municipality or public body and the using of a mobile PCB destruction facility to destroy PCB wastes of the crown, a municipality or other public body. In s.12(2) "PCB" means any monochlorinated or polychlorinated biphenyl or any mixture of them that contains one or more of them.

(2) In subsection (1), "PCB related waste" means waste containing low levels of PCBs or waste arising from a spill or clean up of PCB liquid or PCB waste. [O. Reg. 575/84, s. 2]

4.—(1) Every operator of a waste disposal site shall keep records of all PCB waste held by the operator after the 15th day of January, 1982.

(2) The records referred to in subsection (1) shall include,

(a) the methods and times at which the PCB waste is received and delivered to and from the site; and
(b) where PCB waste is transported to and from the site, the location from or to which it is transported and the person by whom it is transported,

with respect to any delivery, receipt or transport of PCB waste after the 15th day of January, 1982, and,

(c) a description of the nature and quantities of the PCB waste;
(d) the location of the waste disposal site; and
(e) the methods of storage of the PCB waste,

with respect to all PCB wastes at the waste disposal site.

(3) Every operator of a waste disposal site shall report to the Director the information required to be recorded under subsection (2),

(a) by telephone immediately, and in writing within three days, after a PCB waste first comes on the site; and
(b) in writing within thirty days after any other PCB waste is taken to or from the site.

(4) A record of a PCB waste transfer submitted to the Ministry under section 23, 24 or 25 of Regulation 347 of Revised Regulations of Ontario, 1990 satisfies the requirements of clauses (2)(b), (c) and (d) with respect to the PCB waste referred to in that record.

(5) Two years after an operator of a waste disposal site gives written notice to the Director that he has ceased to be a holder of PCB waste, he may dispose of records kept under subsection (1).

(6) Subsection (1) does not apply in respect of PCB waste that has been finally disposed of by burial before the 1st day of January, 1981. [O. Reg. 11/82, s. 4.]

5.—(1) A PCB waste disposal site is exempt from the provisions of sections 27, 40 and 41 of the Act.

(2) The exemption set out in subsection (1) is subject to the condition that,

(a) the operator of the site reports to the Director the information required to be recorded under subsection 4(2);

(b) the operator of the site does not remove or permit to be removed,
  (i) PCB waste containing over fifty litres of PCB liquid except in accordance with the written instructions of the Director,
  (ii) any other PCB waste except,
    (A) in accordance with written instructions of the Director, or
    (B) to a waste management system or waste disposal site for which a certificate of approval has been issued after the 1st day of January, 1981 containing terms specifying the manner in which PCB waste may be stored, handled, treated, collected, transported, processed or disposed of;

(c) where there is any PCB liquid in electrical equipment or other container on the site, the operator of the site not remove the liquid from the container except,
  (i) to transfer liquid from a leaking container upon notifying the Director of the transfer, or
  (ii) pursuant to instructions of the Director; and

(d) no certificate of approval or provisional certificate of approval has been issued with respect to the site after the 1st day of January, 1981, specifying the manner in which PCB waste may be stored, handled, treated, collected, transported, processed or disposed of. [O. Reg. 11/82, s. 5.]

(3) In respect of a PCB waste disposal site that is offered for sale or lease or the possession of which is otherwise offered, the exemption set out in subsection (1) is subject to the conditions that,

(a) the person offering to sell, lease or otherwise give possession notifies, in writing,
  (i) the prospective purchaser, tenant or person taking possession, of the existence of the site and the requirements, in law, concerning the site, and
  (ii) the Director, of the sale, lease or change in possession; and

(b) where a sale, lease or change of possession occurs, the purchaser, tenant or person taking possession notifies, in writing, the Director, within ten days after the sale, lease or change of possession, of,
  (i) the location of the site, and
  (ii) the nature and quantity of PCB waste. [O. Reg. 575/84. s. 3]

6. No person shall dispose of, decontaminate or otherwise manage PCB waste or dilute PCB waste that is in the form of a liquid except,

(a) in or to a waste management system operating under a certificate of approval issued after the 1st day of January, 1981 containing

terms specifying the manner in which PCB waste may be stored, handled, treated, collected, transported, processed, diluted or disposed of; or

(b) in accordance with written instructions of the Director. [O. Reg. 575/84, s. 4]

7. Every person storing PCB waste shall ensure that the PCB waste is in a safe and secure location so as to prevent PCB waste coming into contact with any person and so that any liquid containing PCBs that may escape can be readily recovered and will not discharge, directly or indirectly, into a watercourse or groundwater. [O. Reg. 11/82, s. 7.]

8. No person shall have at a waste disposal site PCB wastes received by the person after the 15th day of January, 1982, unless,

(a) the PCB waste was delivered to the waste disposal site under written instructions of the Director; or

(b) the waste disposal site is operated under a certificate of approval containing a condition referring to this section and specifying the circumstances under which PCB waste may be accepted at the waste disposal site. [O. Reg. 11/82, s. 8.]

References

- federal regulation SOR/92-507; Storage of PCB Material Regulations applies to all PCB liquids and solids that are not used daily. Equipment stored for active service may be kept up to 6 months before the regulation applies.

Commentary

Polychlorinated biphenyls were extremely common oils used as electrical insulators and other purposes, which have been controlled with increasing strictness since the late 1970s. It became illegal to manufacture or import PCBs in 1976 under the federal *Environmental Contaminants Act* (now replaced by the *Canadian Environmental Protection Act*), although it is perfectly legal to continue to use existing transformers and other hydraulic and electric equipment containing PCBs.

R.R.O. 1990, Reg. 362 regulates the management of PCBs after they are taken out of service. A special regime is necessary for PCBs because, unlike other industrial wastes, there is no legal disposal method for PCBs in Ontario. The federal government does not allow PCBs to be exported from the country for destruction in English or French incinerators, and the only PCB incinerator in Canada, at Swan Hills, Alberta, will not accept PCBs from outside Alberta. It is possible to chemically decontaminate mineral oils contaminated with less than 10% PCBs and several companies hold certificates of approval to do so. The Mobile PCB Destruction Facility Regulation, R.R.O. 1990, Reg. 352, provides standards

for such facilities and exempts them from public hearings. For higher strength PCBs, the only alternative now available is storage. In the longer term, mobile PCB incinerators may be approved; the first certificate of approval to build such a facility was approved in May, 1990. The federal government was also testing a mobile PCB incinerator at its Armed Forces base in Newfoundland.

In the interim, PCB waste storage can be exempt from s. 27 if it complies with Reg. 362. Three groups of materials are defined as PCB waste: PCB liquid; PCB equipment; and PCB materials. PCB liquid is any liquid with more than fifty parts per million of PCBs or, if it is to be used for road oiling, which has more than five parts per million of PCBs. Liquids brought below the parts per million threshold by dilution are also PCB wastes. PCB equipment is any equipment which contains or contained PCB liquids, except certain small capacitors such as fluorescent light ballasts, and specified equipment which is in active use or being stored for such use. PCB materials are anything else containing PCBs at more than fifty parts per million. PCB wastes are defined to be hazardous wastes.

Storage or any other handling of hazardous waste would normally require a certificate of approval under s. 27 of the Act, granted after a public hearing. This is impractical due to the large quantities of PCBs located at hundreds of sites across the province, sometimes with only a few litres per site. (The Ministry rarely permits PCBs to be transferred to larger sites, fearing large scale contamination, as occurred at Smithville, Ontario and at St. Basile Le Grand, Quebec.) PCB storage is therefore exempt from requiring a certificate of approval, provided that the written instructions of the Director are obeyed.

Although Reg. 362 contains no guidelines for the exercise of the Director's discretion, each person appointed as a "Director" for the purposes of the regulation is required by the terms of her appointment to follow a published set of guidelines. The guidelines are updated by the Waste Mangement Branch from time to time.

It is very hard to obtain instructions to move PCBs from one site to another. Where a site containing PCBs is sold, the Ministry will rarely permit the PCBs to be removed. Rather, the sale of the land is conditional upon the purchaser accepting responsibility for the PCB storage site (s. 5).

There is no appeal from the Director's instructions, or from the Director's refusal to give instructions. However, it is possible for a person who objects to the Director's instructions to apply for a certificate of approval under s. 27 of the Act. If the certificate is refused, or if the conditions imposed are unacceptable, the person would have a right of appeal to the Environmental Appeal Board.

The Ontario requirements are accepted by the federal government as "equivalent" to those in the federal Interim PCB Storage Order under

X. QUEBEC

Environmental Quality Act

S.54 of the Act prohibits anyone from establishing or altering a waste management system without obtaining a certificate from the Minister attesting that the project complies with standards provided by regulation. Unless the Minister dispenses him in writing, the person applying for a certificate must establish by certificate of the clerk or secretary-treasurer of the local municipality or of the regional county municipality, that the project for which the application is made does not contravene any municipal by-law.

S.55 prohibits anyone from operating a waste management system without obtaining from the Minister a permit for that purpose, which is granted on conditions determined by regulation. The section states that the permit shall be valid for five years and may be renewed.

Hazardous Waste Regulation

The Hazardous Waste Regulation (portions appended) under the Environment Quality Act governs a variety of hazardous waste including storage and some aspects of use of PCBs. The regulation is relevant to the standards, terms or conditions referred to in ss 54 and 55 of the Act.

S.9 of the Hazardous Waste Regulation prohibits any person from emitting,

depositing, releasing or discharging a hazardous waste into the environment or a sewer system unless carried out in compliance with the Act and the regulation. S.10 prohibits any person from mixing a hazardous waste with any solid or diluting it with a liquid including waste water or rain water, unless within the framework of an industrial process authorized by a certificate under s.22 of the Environmental Quality Act. S.22 of the Act prohibits anyone from carrying on any activity or use in an industrial process if it will result in an emission, deposit, issuance or discharge of a contaminant into the environment unless he first obtains a certificate of authorization from the Minister.

S.49.3 of the regulation prohibits any person from storing hazardous waste containing polychlorinated biphenyls inside a public building, a building related to the food industry, and office building or a building used for residential or commercial purposes, other than a building used by a person or a municipality holding a certificate or hazardous waste management permit under ss 44 and 55 of the Act. S.49.3 also requires any hazardous waste containing PCBs stored inside a building to be placed in a closed impermeable container.

40. Replacement of security: The operator shall replace the security forthwith where it has been used to carry out work at his expense.

41. Return of security: The operator's security shall be returned to him two years after the expiry of his permit.

§4. Standards for Operating Storage Sites

42. Application: Unless otherwise provided, this subdivision applies to:

(1) an operator of a hazardous waste transfer centre;

(2) a generator of hazardous waste who stores it at the generating site;

(3) an operator of a hazardous waste recycling site or re-use site who stores hazardous waste.

43. Mixing prohibited: The operator of a hazardous waste transfer centre shall not mix hazardous waste during storage.

He may mix wastes of similar composition if:

(1) he analyzes all substances before mixing to ensure that their composition is similar;

(2) he keeps a register of the source, the quantity and the results of analyses of such waste before and after mixture.

44. Mixture allowed: A generator of hazardous waste storing such waste at the generating site may mix hazardous wastes of similar composition.

45. Addition or removal prohibited: The operator of a transfer centre may not add a substance to hazardous waste or remove one therefrom during storage, except where this measure is required to comply with the second paragraph of section 20 of the Act.

46. Unstable waste: Any hazardous waste that is unstable on contact with water and any explosive shall be neutralized before being stored in a container.

A waste that reacts violently or emits vapours, fumes or a noxious gas on contact with water is deemed to be unstable.

47. Incompatible substances: No person shall store hazardous waste in a container made of a substance incompatible with the waste unless the inside of the container is protected from corrosion and breakage by an impermeable lining or coating that is in good condition and compatible with the hazardous waste.

No person shall store hazardous waste in a container that has been used to store any hazardous waste or other substance incompatible therewith unless the container has been decontamined.

48. Characteristics of containers: A hazardous waste container shall be closed and impermeable, but it may be equipped with a safety valve.

49. Overflow: A hazardous waste container shall be used so that it does not overflow.

49.1. A person or municipality may store outside of a building hazardous waste covered by section 21.1 provided that he places the containers holding that waste in a shipping container.

Where the waste is liquid, the person or municipality may store it in a closed aboveground tank surrounded by a protective fence erected on a surface having a permeability coefficient no greater than 10^{-7} cm/sec and equipped with a retention basin containing at least 110 % of the tank volume or 125 % of the volume of the largest tank where there is more than one tank.

This section applies notwithstanding section 6.1 of the "Guide d'entreposage des déchets dangereux".

O.C. 1314-88, s. 3.

49.2. Where a person or municipality wishes to store inside of a building hazardous waste made up of waste that is ignitable or reactive at the same time as hazardoux waste that contains polychlorinated biphenyls, he shall place the containers holding the waste containing polychlorinated biphenyls in shipping containers separated from one another by at least one metre.

O.C. 1314-88, s. 3.

49.3. Any hazardous waste containing polychlorinated biphenyls stored inside of a building shall be placed in a closed impermeable container.

No person shall store hazardous waste containing polychlorinated biphenyls inside of a public building, a building related to the food industry, an office building or a building used for residential or commercial purposes, other than a building used by a person or municipality holding a certificate or a hazardous waste management permit issued under sections 54 and 55 of the Act.

O.C. 1314-88, s. 3.

49.4. Where a person or municipality scraps a transformer, he shall drain it of the liquid it contains before storing it.

XI. SASKATCHEWAN

Environmental Management and Protection Act

S.38 of this Act enables the Lieutenant Governor in Counsel to make regulations including designating a substance to be a hazardous waste and regulating destruction, storing or disposal of these wastes.

The PCB Waste Storage Regulations

Subject of Regulation

S.3 of this regulation under the Environmental Management and Protection Act designates PCB waste to be a hazardous waste. The regulation applies to the storage of PCBs, in a quantity over 1 kg (s.2(2)) and to the duties of owners or operators of storage sites with respect to maintaining books and records, reporting requirements and consolidation.

In the regulation "chlorobiphenyls" or "PCBs" means the chlorobiphenyls that have the molecular formula C_{12} H_{10-N} Cl_N in which "N" is greater than 2. "PCB equipment" means any manufactured item that contains or is contaminated with PCB liquid or PCB solid. "PCB liquid" means any liquid containing 5 PPM or more by weight of PCBs. "PCB solid" means any material or substance other than a PCB liquid that contains or is contaminated with PCBs at a concentration of 5 PPM or more by weight. "PCB waste" means any PCB liquid, solid or equipment that has been taken out of service

for the purpose of disposal, including waste or soil from spills at a concentration of 5 PPM or more by weight of PCBs.

Storage of PCB Waste

S.4 prohibits anyone from storing PCB waste except in accordance with the regulation. S.5 applies to any storage site containing 1 kg or more of PCBs, a PCB liquid of a volume greater than 100 litres or a PCB solid weighing more than 100 kg. For the purposes of the regulation where more than one storage site is situated on a piece of property or adjacent pieces of property owned or operated by or on behalf of the same persons, the amounts for the purposes of s.5 are the aggregate amounts stored at all of the storage site (s.4).

S.5 contains numerous requirements for all storage sites including regarding access to and security of the site, requirements regarding equipment or material coming into contact with the site, waterproofing site, containers and drums on site, materials to be used for clean up, the floors, surfaces, floor drains, sumps and other openings on the floor of the site, smoke sensory controls to stop ventilation in case of fire, the storing and stacking of any containers or drums, fire and emergency plans, fire monitoring system and registries for persons authorized to use site.

S.6 requires owners and operators to know and understand current PCB waste management techniques, how to use protection equipment and to know clean up

techniques; to inspect monthly and to immediately repair or replace any drum, container or equipment leaking PCBs and to clean up any contaminated area.

Books and Records

S.7 requires every owner or operator of a storage site to maintain and have available for a review by Environment Officers books and records respecting many aspects of the PCB storage including inventory, details of receipt and condition of received PCB waste, details regarding the carrier and receiver of waste. S.7 also requires similar books and records regarding PCB waste removed from storage site.

Reporting Requirements

S.8 requires every owner or operator of a storage site to submit to the Minister within 30 days of establishment of a PCB storage site copies of all books and records required by s.7(a) (regarding receipt of PCB waste) and a brief description of various specified aspects of the site. As well, s.8 requires copies of all records and books required by s.7(b) and (c) on January 1st and July 1st of every year.

Consolidation Requirements

S.9 sets out the maximum periods that a person may store PCB. Subject to certain limitations, a person may store PCB waste for no longer than 6 months at a storage site, unless the person has the approval of the Director (s.9).

Environmental Spill Control Regulation

Subject Matter of Regulation

This regulation (portions appended), under the Department of Environment Act deals with reporting and response obligations in the case of spills of any pollutant included in column 1 of the appendix in the form, character or concentration specified in column 2. Polychlorinated biphenyls are listed in column 1, the form character or concentration is "any substances containing PCB".

Obligations under the Regulation

S.4 requires that when a spill occurs the person having control of the pollutant must report it as soon as possible to the Department, each owner of the property on which the pollutant is spilled to the owner of the pollutant. S.6 gives the telephone number the person required to make the report should call and the information to include in the report including the time and location of spill, type and quantity of pollutant, details of any action taken and proposed to be taken and description of location of spill and of surrounding area.

S.7 requires the person having control of the pollutant spilled and the owner to submit a written report within 7 days to the Department including specified information similar to the report under s.6, but also including the known causes and effects of the spill, the names of the persons notified of the spill, remedial action and any further worker action contemplated or required. Joint reports are authorized.

Subject to a Ministerial Order, immediately after the spill the person having control of the pollutant and the owner shall take all reasonable action having due regard for the safety of the public and themselves to prevent further discharge, contain the spill, minimize its effects and restore the area as newly as possible to its condition prior to the spill.

S.9 prohibits disposing of any spilled pollutant other than in a manner approved by the Minister.

"PCB waste" (f) "PCB waste" means any:

(i) PCB liquid;

(ii) PCB solid; or

(iii) PCB equipment that has been taken out of service for the purpose of disposal;

and includes any waste or soil from spills or intentional or unintentional releases contaminated with chlorobiphenyls at a concentration of five parts per million or more by weight of chlorobiphenyls;

"storage site" (g) "storage site" means any location that is used to store PCB waste;

"storage site inside a building" (h) "storage site inside a building" means any enclosed structure used to store PCB wastes that is also used as a residence, office, or industrial building normally or regularly occupied by persons in the usual course of their work assignments.

(2) These regulations do not apply to any PCB waste in a quantity of less than one kilogram.

Designation of PCB 3 PCB waste is hereby designated as a hazardous waste.

Storage of PCB waste 4(1) No person shall store PCB waste except at a storage site that meets the applicable requirements of these regulations.

(2) Where:

(a) more than one storage site is situated on a piece of property or on adjacent pieces of property; and

(b) the sites mentioned in clause (a) are owned or operated by or on behalf of the same person;

the quantity, volume or weight of any PCBs, PCB liquid or PCB solid. for the purposes of section 5, is the aggregate amount stored at all the storage sites.

Requirements for all storage sites 5(1) This section applies to a storage site that contains:

(a) PCBs in a quantity of one kilogram or more;

(b) a PCB liquid of a volume greater than 100 litres: or

(c) a PCB solid of a weight greater than 100 kilograms.

(2) An owner or operator of a storage site to which this section applies shall ensure that:

(a) access to the storage site is controlled so as to prevent entry by unauthorized persons;

(b) all PCB waste is stored inside:

(i) a room, building or other structure the entrance to which can be locked; or

(ii) a woven mesh wire fence or other fence or wall with similar characteristics that is at least 2 metres high, the entrance to which can be locked and that prevents any person outside it from coming into contact with the PCB waste;

(c) equipment or material that is not used for the handling of PCB waste is not stored in or otherwise allowed to come in contact with the storage site;

(d) where PCB liquid is stored outside of a building, the container of PCB liquid is covered with a waterproof roof or cover that extends beyond the curbing or sides of the container;

(e) a container holding a PCB solid, PCB light ballast, drained PCB container or drained PCB equipment, where these are stored outside of a building or an enclosed area, are structurally sound and sealed from the weather;

(f) a PCB solid shall be stored in drums, or in containers made of steel or of other materials that provide sufficient durability and strength to prevent that solid from being:

(i) released into the environment;

(ii) affected by the weather; or

(iii) contaminated by external sources;

(g) where a drum is used to contain a PCB solid, the drum:

(i) is not of a capacity greater than 205 litres;

(ii) is made of steel having a gauge of at least 18;

(iii) has a securely attached and removable steel lid and a gasket made of PCB-resistant material; and

(iv) is painted to prevent rusting;

(h) where a drum is used to contain a PCB liquid, the drum:

(i) is not of a capacity greater than 205 litres;

(ii) is a closed double-bung drum made of steel having a gauge of at least 16; and

(iii) is painted to prevent rusting;

(i) materials, including sorbent or solvents, for the clean-up of liquid or solids are available for use at all times at the storage site; and

(j) an inert absorbent in a quantity sufficient to contain minor leakage is placed in the bottom of each container holding PCB equipment or fluorescent lighting ballasts.

(k) the floor or other surface area, whether indoors or outdoors, on which PCB liquid or undrained PCB equipment other than fluorescent lighting ballasts is stored:

(i) is constructed of steel, concrete or other durable material; and

(ii) has curbing or siding sufficient to contain at least twice the volume of the PCB liquid contained in the largest item of PCB equipment on the site or 25 percent of the volume of all the PCB liquid on the site, whichever is greater;

(l) where a floor or other surface area, or curbing or siding attached to a floor or other surface area, is capable of absorbing PCB, the floor, surface area, curbing or siding is sealed with a durable PCB-resistant coating;

(m) floor drains, sumps or other openings in the floor or other surface area are closed and sealed to prevent the escape of liquid;

(n) where the PCB waste is in a storage site inside a building with a mechanical exhaust system, the site is equipped with heat or smoke sensory controls to stop the ventilation fan and to close the intake and exhaust dampers of the fan in the event of a fire;

(o) containers of PCB waste and PCB equipment stored outside, other than transformers on skids, are elevated on pallets or other suitable devices to reduce corrosion to those containers and that equipment;

(p) subject to clause (q), containers of PCB waste are stacked and located in a manner that enables access to permit inspection;

(q) drums of PCB waste on pallets, PCB waste in containers that are designed for stacking or drums of PCB liquid are not stacked more than two high and are placed in storage in a manner that enables access to permit inspection;

(r) a fire control and emergency procedures plan, developed in consultation with the local fire department, is in effect and one copy of it is deposited with the local fire department and another is kept at the storage site;

(s) the local fire department is provided with a copy of any books and records submitted pursuant to section 8;

(t) where PCB waste is located in a storage site inside a building, the storage site is equipped with a continuously monitored fire alarm system and portable or flood-type fire extinguishers; and

(u) a registry is maintained that contains the name of each person who is or has been authorized to enter the storage site together with the name and address of that person's employer.

(3) The owner or operator of a PCB waste storage site is responsible for determining the concentration of PCBs in a particular waste at the request of duly appointed federal inspectors and environmental officers.

Duties of owners or operators of storage sites

6 Every owner or operator of a storage site shall:

(a) know and understand current PCB waste management procedures and the use of personnel protection equipment and clean-up techniques;

(b) monthly inspect the storage site including any PCB equipment, floors, drains, drainage systems, fire prevention apparatus, personnel protection equipment and security fences, and repair or replace any of them immediately, if required; and

(c) immediately:

(i) repair or replace any drum, container or equipment found to be leaking PCBs; and

(ii) clean up any contaminated area.

Duty of owners and operators to maintain books and records

7 Every owner or operator of a storage site shall maintain, and have available for review by duly appointed federal inspectors and environment officers, books and records respecting:

(a) an inventory of each item of PCB waste and the quantity of PCBs contained in it at the storage site on the day on which these regulations come into force;

(b) each item of the PCB waste received at the storage site after the day on which these regulations come into force as follows:

(i) date of receipt of the PCB waste;

(ii) description of the PCB waste including nameplate description, serial number, PCB registration number and quantity;

(iii) condition of the PCB waste;

(iv) source of the PCB waste;

(v) name of the carrier of the PCB waste; and

(vi) name of the individual who accepted receipt of the PCB waste;

(c) each item of the PCB waste removed from the storage site as follows:

(i) date of removal of the PCB waste;

(ii) description of the PCB waste including nameplate description, serial number, PCB registration number and quantity;

(iii) condition of the PCB waste;

(iv) name of the carrier of the PCB waste;

(v) destination of the PCB waste; and

(vi) name of the individual authorizing the transport of the PCB waste; and

(d) reports of monthly inspections and any action taken as required by clause 6(b) or (c).

Reporting requirements

8 Every owner or operator of a storage site shall submit to the minister:

(a) a copy of the books and records required by clause 7(a) and a brief description of:

(i) the building in which the PCB waste is stored;

(ii) the size of the property that is used for the storage site;

(iii) the precise location of the PCB waste at the storage site;

(iv) the container storage method used;

(v) the spill containment features in place at the site;

(vi) the security measures in place at the site;

(vii) the fire detection systems in place at the site; and

(viii) any other matter that pertains to the safe and secure storage of PCB waste;

within 30 days of the day these regulations come into force and in the case of a new storage site, within 30 days of its establishment; and

(b) copies of the books and records required by clauses 7(b) and (c) on January 1 and July 1 of each year, revised as the occasion may require.

Consolidation requirements

9(1) Subject to subsection (2), no person shall store PCB waste for a period longer than six months at a storage site without approval of the director to do so.

(2) In the case of a PCB storage site that is in operation on the day immediately prior to the day on which these regulations come into force, the owner or operator of the storage site may continue to store PCB wastes at the storage site until the expiration of:

(a) two years; or

(b) any longer period that the minister may prescribe;

from the day on which these regulations come into force.

10 These regulations come into force on the day on which they are filed with the Registrar of Regulations. Coming into force

XII. YUKON

Special Waste Regulations

The Yukon Renewable Resources Department has advised that Special Waste Regulations are expected to be passed in the near future, however, they are still being revised. The regulations will be under the Environment Act which defines "special waste" to mean waste requiring special handling, storage or destruction and prescribed as such by regulation.

TABLE OF STATUTES

1. **Federal Government**

   Canadian Environmental Protection Act, R.S.C. 1985 (4th Supp.) c.16.

2. **Alberta**

   Environmental Protection and Enhancement Act, S.A. 1992, c. E-13.3.

3. **British Columbia**

   Waste Management Act, S.B.C. 1982, c. 41.

4. **Manitoba**

   Dangerous Goods Handling and Transportation Act, R.S.M. 1987, c. D-12.

5. **Newfoundland**

   Waste Material Disposal Act, R.S.N. 1990. c. W-4.

6. **Northwest Territories**

   Environmental Protection Act, R.S.N.W.T. 1988, c. E-7.

7. **Nova Scotia**

   Dangerous Goods and Hazardous-wastes Management Act, R.S.N.S. 1989. c. 118.

8. **Ontario**

   Environmental Protection Act, R.S.O. 1990, c. E-19.

Environmental Assessment Act, R.S.O. 1990, c. E-18.

9. **Quebec**

Environmental Quality Act, R.R.Q., c. Q-2.

10. **Saskatchewan**

Environmental Management and Protection Act, S.S. 1983-84, c.E-10.2.

11. **Yukon**

Environment Act, S.Y. 1991, c.5.

TABLE OF REGULATIONS

1. **Federal Government**

   Storage of PCB Material Regulations, SOR/ 90-50.

   Chlorobiphenyls Regulations, SOR/91/152.

   Federal Mobile PCB Treatment and Destruction Regulations, SOR/90-15.

   PCB Waste Export Regulations, SOR/90-453.

2. **Alberta**

   Activities Designation Regulation, Alta Reg. 110/93.

   Waste Control Regulation, Alta Reg. 129/93.

   Approvals Procedure Regulation, Alta Reg. 113/93.

3. **British Columbia**

   Special Waste Regulation, B.C. Reg. 63/88.

4. **Manitoba**

   PCB Storage Site Regulation, Man. Reg. 474/88.

   Environmental Accident Reporting Regulation, Man. Reg.439/87.

5. **Newfoundland**

   Storage of PCB Wastes Regulations, Nfld. Reg. 85/91.

6. **Northwest Territories**

   Spill Contingency Planning and Reporting Regulations, R.S.N.W.T. 1990, c.

7. **Nova Scotia**

   PCB Storage Regulations, N.S. Reg. 255/88.

8. **Ontario**

Waste Management PCBs Regulation, R.R.O. 1990, Reg. 362.

General - Waste Management Regulation, R.R.O. 1990, Reg. 346.
Mobile PCB Destruction Facilities, R.R.O. 1990. Reg. 352.

9. **Quebec**

Hazardous Waste Regulation, R.R.Q., c. A-20.01.

10. **Saskatchewan**

The PCB Waste Storage Regulations, R.R.S. c.E-10.2, Reg. 6.

Environmental Spill Control Regulation, R.R.S. c. D-14, Reg. 1.