

# **S200 ENVIRONMENTAL EMERGENCY PLANNING REGULATIONS**

*CANADIAN ENVIRONMENTAL PROTECTION  
ACT, 1999*

**Presented to:  
Northeast Region Community  
Awareness and Emergency Response  
(NR CAER)**

**January 21, 2004**



**DETAILS ABOUT THE NEW  
E2 PLANNING  
REGULATIONS**

# CEPA Part 8 - Environmental Matters Related to Emergencies

- Part 8 gives the Minister, the authority to make regulations to prevent, prepare for, respond to and recover from environmental emergencies;
- Section 200 is the regulation-making authority of Part 8;
- A list of 174 substances that may be harmful to the environment has been established;
- Address emergency prevention, preparedness, response and recovery.

# [ The S200 Regulations ]

- Apply to any person who uses or stores one or more of the 174 substances above the specified quantities in a container equal to or exceeding the threshold;
- List includes 16 CEPA toxic substances;
- Substances divided into Part 1 (flammable) and Part 2 (other hazardous) substances.

# [ Substances on the List ]

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- All substances on the list have specific thresholds:
  - Propane – 4.5 tonnes
  - Gasoline – 150 tonnes
  - Anhydrous ammonia – 4.5 tonnes
  - Chlorine – 1.13 tonnes

# FACTORS FOR INCLUSION OF SUBSTANCES ON THE S200 LIST

- Toxicity or other hazardous properties;
- Physical properties;
- Quantities in Canadian commerce;
- Historical data related to accidental releases
- Adverse effects on the environment, environment on which human life depends or human health;
- Adequate management of risks through existing federal or provincial regulations;
- Results of EC's REF analysis.

# [ THE PROCESS ]

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- Determine if either the total amount of substance or single largest container exceeds the specified threshold;
- For all facilities that meet either or both above criteria, a Notice of Identification of Substance and Place must be filed (90 days) along with certification;
- For all facilities that meet both criteria, subsequent notices of plan preparation and implementation and testing must also be filed (6 mos, 1 year respectively).

# Notice of Identification of Substance and Place

- This is to be submitted within 90 days of the regulations coming into force, *or* 90 days after a substance reaches or exceeds the prescribed quantity.
- The notice shall identify:
  - the facilities to which the regulations are applicable,
  - the location of the facility,
  - the applicable substance/substances,
  - the maximum amounts used or stored at anytime during a year.

# Calculation of Quantities

## Flammable Mixtures

- **The following criteria must be met:**
  - flash point < 23°C
  - boiling point < 35°C
  - Concentration is equal to or greater than that shown in Column 2 of Part 1 of Schedule 1
  - Total amount of the mixture = 4.5 tonnes or greater and
  - Storage container = 4.5 tonnes or greater

# Calculation of Quantities

## Hazardous Mixtures

- **The following criteria must be met:**
  - partial pressure of the substance in the mixture exceeds 10 mm of Hg
  - Concentration is equal to or greater than that shown in Column 2 of Part 2 of Schedule 1
  - Total amount of substance =  
concentration of substance in solution x  
weight of solution
  - Storage container = threshold amount or  
greater

# Exceptions From Quantity Calculations

- Amounts temporarily stored for 72 hours or less in a container not normally located at the place, if the person keeps evidence during the temporary storage period of the date the substance was received;
- Quantities in a container with capacity of 30 kg or less;
- Quantities of substance when it is a component of another substance in Schedule 1;
- Quantities of a substance when it is a component of natural gas except in liquefied form.

# Exceptions From Quantity Calculations

- Quantities of a substance in fuel tank supplying engine of conveyance used in transportation;
- Quantities of a substance that are the object of an activity that is subject to the *Transportation of Dangerous Goods Act*, during the performance of that activity;
- Quantities of a substance in Part 1 of Schedule 1 that is a component of a mixture that has a flash point equal to or greater than 23°C or boiling point equal to or greater than 35°C;
- Quantities of a substance in Part 2 of Schedule 1 in a mixture with partial pressure of the substance equal to or less than 10 millimetres of mercury.

# [ ON-GOING OBLIGATIONS ]

- Annual testing of the E2 plan contents (all relevant components to be tested through multi-year cycle)
- Test results over a 5-year period to be documented and available for inspection
- E2 plan to held at facility (unless unmanned) and available for inspection
- Spill notification and reporting\*

# Selected Timelines Under the *Environmental Emergency Regulations*

Publication of regulations in *Canada Gazette* Part 2 was *September 10, 2003*

SubSection	Requirement	Deadline for compliance	How Deadline is Affected by Date of Coming Into Force
3(3)	Submit notice pursuant to subsection 3(1) [Notice Regarding the Identification of Substance and Place]	<p>Within <b>90 days</b> after the later of:</p> <p>(a) the day on which the <i>E2 Regulations</i> come into force; and</p> <p>(b) the day on which the maximum quantity or capacity of the largest container exceed the specified threshold</p>	The deadline determined pursuant to paragraph 3(3)(a) is <b>February 16, 2004</b>
4(4)	Submit a Report Regarding the Preparation of an Environmental Emergency Plan	<p>Within <b>6 months</b> after the later of:</p> <p>(a) the day on which the <i>E2 Regulations</i> come into force; and</p> <p>(b) the day on which a person is first required to prepare an environmental emergency plan under subsection 4(1)</p>	The deadline determined pursuant to paragraph 4(4)(a) is <b>May 18, 2004</b>



# IMPLEMENTATION GUIDELINES

# THE INTENT OF THE GUIDELINES

- To provide further guidance on the requirements of the s200 regulations
- To establish the principles of environmental emergency planning under CEPA 1999
- To outline Environment Canada's expectations with respect to the regulation and its implementation

# [ THE CONTENTS ]

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- Summary of E2 planning provisions under ss200 and 199
- Application of ss200 and 199
- Spill notification and reporting
- E2 plan content
- Public access information
- Compliance and enforcement

# [ THE CONTENTS (cont'd) ]

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- Appendices cover:
  - ⇒ suggested references
  - ⇒ sample notices/declarations and certifications
  - ⇒ model subsection 199(1) Gazette notice
  - ⇒ the list of regulated substances
  - ⇒ substance amount calculations
  - ⇒ notification and reporting documentation

# [Content of the E2 Plan]

- In preparing an E2 plan, one must consider the following:
  - properties and characteristics of the substance;
  - maximum expected quantity of the substance at the place at any time during a calendar year;
  - commercial, manufacturing, processing or other activity in relation to which the plan is prepared;
  - characteristics of the place and surrounding area; and
  - potential consequences to human life and health.

# [Content of the E2 Plan]

- An E2 plan must contain the following:
  - description of the factors considered;
  - identification of any possible environmental emergencies expected to occur;
  - description of measures used to prevent, prepare for, respond to and recover from and E2;
  - list of individuals who are to carry out the plan;
  - identification of training required;
  - list of emergency equipment and its location; and
  - identification of measures used to notify the public.

# [ E2 PLAN REQUIREMENTS ]

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- Plans must address prevention of, preparedness for, response to and recovery from environmental emergencies
- Recognize that not all aspects covered in single document
- All documentation to be kept together and accessible for inspection
- All four aspects to be covered in detail later

# E2 PLAN REQUIREMENTS (cont'd)

- Complexity of E2 plans will vary
- Plans to be developed for the facility not for each substance
- Person must consider those factors set out in s4(2) of regulations
- E2 plan must include all elements set out in s4(3) of regulations
- EC recommends involvement of community and interest groups as well as community and provincial emergency authorities in all plan aspects
- \*Regulations provide maximum flexibility\*



# THE NOTICE REGISTRY

# E2 Plan Notification

## *Why online?*

- Fast and efficient
- Very high and still increasing rate of web connection/use in modern commerce
- Ease of data manipulation - statistics, compilations and searches
- Fits in with EC's "One Window" data reporting vision

# E2 Online Notification

## *How will it work?*

- Clear step-by-step instructions guide user through filing process
- “Point and click” used as much as possible to minimize effort and error
- Extensive Qs & As section should cover most queries
- At completion of each stage, hard copy to be signed and sent to EC
- All submissions acknowledged electronically

# E2 Online Notification

## *Upkeep and improvement*

- Verify data, and periodically review database for duplication or other errors
- Hardcopy of signatures to be filed (for now)
- Questions from public will go to common email account - *CEPAE2@ec.gc.ca*
- Improvements to site can be made as required, both before and after launch

# For Further Information...

## Web Sites:

- On-line Notification System:

<http://cepae2.ec.gc.ca>

- CEPA Registry:

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

- Environmental Emergencies Program

[www.ec.gc.ca/ee-ue/main/main\\_e.asp](http://www.ec.gc.ca/ee-ue/main/main_e.asp)

# [ Contact... ]

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