



**GUIDE** *to the*  
***ENVIRONMENTAL PROTECTION ACT***



**GOVERNMENT OF  
NEWFOUNDLAND AND LABRADOR**  
**Department of Environment**

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## **GUIDE to the ENVIRONMENTAL PROTECTION ACT**

### **INTRODUCTION**

This Guide is intended to help in understanding the *Environmental Protection Act* SNL 2002 cE-14.2 for Newfoundland and Labrador (EPA). The EPA was passed by the House of Assembly and became law in May 2002. The Guide presents the purpose and principles underlying the EPA and outlines the main points of each section of the *Act*. A subject index is included.

**This is a guide to the EPA, not a legal document. The Guide provides an overview of the *Act*. It is not intended to be a complete description or to replace reading the *Act* and regulations or seeking advice from a lawyer or an environmental expert. Interpretations placed on sections of the *Act* are not binding on the Crown. Amendments may be made to the EPA after publication of this Guide, therefore it is important to refer to the most recent official version of the *Act*.**

There is a companion “*Guide to the Water Resources Act*”. The WRA also became law in May 2002. The EPA and WRA and accompanying regulations comprise the environmental legislation administered by the Department of Environment, replacing eight previous acts - *Environment Act*, *Environmental Assessment Act*, *Pesticides Control Act*, *Waste Management Act*, *Waste Material Disposal Act*, *Well Drilling Act*, *Water Resources Protection Act* and *Crown Lands Act* (water rights licensing provisions). The EPA and WRA consolidate and clarify previous acts and include new or increased authority in some areas.

### Background

In 1994, the provincial government initiated a comprehensive review of environmental protection legislation as part of the Regulatory Reform Program. The review looked at the adequacy of ministerial authority to safeguard the environment and ways to improve administrative efficiency and effectiveness. Preparation of the EPA by the Departments of Environment and Justice involved a scan of environmental legislation, formulation of new policies, extensive consultation and legal drafting, with Cabinet direction at many stages.

## Purpose of Environmental Protection Act

The EPA provides an up-to-date framework for environmental protection and preservation and contributes to the goal of sustainable development for Newfoundland and Labrador. The policy decisions of Government embodied in the EPA were guided by the prevailing knowledge and experience in this province and the rest of Canada. Fundamental principles of environmental law and practice underlie the *Act*. Relevant social and economic considerations were also taken into account. The EPA is intended to further the province's environmental, social and economic well-being.

Environmental protection depends in large measure on the cooperation and contribution of the people of the province. Government promotes and encourages this, and also has the responsibility to set and enforce rules. The EPA provides legal authority to the Minister of Environment (also to Cabinet and the Courts for specific actions) to require that the persons responsible prevent or correct adverse environmental effects. This is achieved primarily by means of:

- Approvals of undertakings or releases of substances based on national standards for environmental quality, and
- Enforcement through inspections, monitoring, reporting, and in the event of a contravention, ministerial orders and Court action.

The EPA is not overly prescriptive. Discretion is provided to the Minister (Cabinet and Courts) to choose from among various actions specified in the *Act*, as circumstances warrant.

## New or Increased Authority

The EPA provides new or increased authority for environmental protection in the following areas:

- *Act* binds the Crown
- Air quality management areas
- Appeals to the Minister
- Approvals - amending, denying, requiring security, 60 day time limit for the Department
- Compliance agreements to remedy contraventions instead of prosecution
- Contaminated sites - designation, requiring rehabilitation, polluter pays
- Dangerous goods - control of manufacturing, handling, use, treatment and release

- Inspections - increased powers for inspectors
- Monitoring - requiring monitoring and reporting of environmental conditions
- Orders - stopping harmful activity immediately, restoring environment, amending orders
- Penalties - consistent range of fines, minimum fines, ticketing, administrative penalties
- Prosecutions - consistent set of offences, enabling prosecution of corporate officers
- Regulations - comprehensive listing of areas where Cabinet may enact regulations
- Whistle blower protection - for employees who report offences or refuse to contravene the *Act*.

## Regulations

The following regulations are in place under the EPA:

1. **Environmental Protection Activity Approval Regulations** list all types of projects and activities that require an approval under the EPA.
2. **Air Pollution Control Regulations** set allowable limits for air contaminants, mainly for industry.
3. **Environmental Assessment Regulations** give details of the environmental assessment process, including time frames, public notifications, committee procedures, and a listing of all types of projects that must be registered for environmental assessment.
4. **Gasoline Volatility Control Regulations** set limits on gasoline volatility to control emissions of volatile organic compounds.
5. **Ozone Depleting Substances Regulations** restrict the use and controls the handling of CFCs and halo-carbons that damage the ozone layer of the atmosphere.
6. **Pesticides Control Regulations** control the sale, handling, use, and disposal of pesticides, mainly through a licencing system for commercial operators.

7. **Storage and Handling of Gasoline and Associated Products Regulations** set installation and operating standards for petroleum storage tank systems, spill response, and reporting.
8. **Storage of PCB Wastes Regulations** set requirements for siting and operating PCB waste storage areas and govern in-province transport of PCB hazardous waste.
9. **Waste Management Regulations** stipulate requirements governing the implementation and operation of waste management programs through a board, including waste diversion, treatment and disposal.
10. **Waste Material Disposal Areas Regulations** give the location description of waste disposal areas and study areas designated by the Minister throughout the province.
11. **Heating Oil Storage Tank System Regulations** control the installation, inspection and registration of oil tanks up to 2,500 litres.

## Principles

The following principles reflected in the EPA provide the basis for achieving the goals of environmental protection and preservation, and sustainable development for Newfoundland and Labrador:

- 1. Protection of Human Health:** The protection of human health by maintaining a clean and healthy environment is a primary purpose of environmental law and practice. This is largely achieved by prudent management of substances that may cause adverse effects. Only by safeguarding the environment can the conditions needed for physical, mental and social well-being be sustained.
- 2. Precautionary Approach:** Where there is a threat of serious or irreversible damage to the environment, all reasonable environmental protection measures will be taken, even if full scientific knowledge is lacking.
- 3. Sustainable Development:** The principle of sustainable development respects the use of both renewable

and non-renewable resources to satisfy human needs, improve the quality of life, and protect and preserve life-sustaining natural systems, without jeopardizing the needs of future generations.

**4. Stewardship:** The EPA provides the legal framework for environmental stewardship, largely by terms and conditions of approvals and licences, and inspections and enforcement. Product stewardship may be required, whereby persons who produce and market a product must take steps to minimize the product's environmental impact throughout its life cycle. The *Act* promotes stewardship through requirements for environmentally responsible practices and processes.

**5. Pollution Prevention:** Avoiding pollution is much preferred over expensive and often ineffective clean-up of contaminated sites. There are specific measures in the EPA to encourage the use of processes, materials, products and energy to eliminate or minimize the generation of pollution and waste. The release of substances that may cause adverse environmental effects is prohibited.

**6. Stakeholder Involvement:** Everyone has an individual and collective obligation to protect the environment and make wise use of resources. In many instances, the EPA requires Government to notify the public and provide opportunities for public participation, including environmental assessments, voluntary reporting, investigation requests, and appeals.

**7. Polluter Pays:** Under the EPA, those who generate pollution will be held financially responsible for its treatment, disposal and clean-up. No person should benefit financially from polluting and taxpayers should not bear the costs. It is in everyone's interest that environmentally acceptable processes and practices be adopted.

**8. Efficient and Effective Administration:** The EPA improves administrative efficiency in line with Regulatory Reform. Government recognizes that overly prescriptive and rigid regulatory control is often not the most effective way to protect the environment and foster sustainable development. Therefore, the *Act* enables Government to be more proactive and cooperative while still maintaining clear responsibilities for environmental protection.

**9. Enabling Legislation:** Rather than prescribing fixed courses of action, the EPA generally enables the Minister (Cabinet or Courts) to choose an appropriate response from specified options depending on the circumstances. This is typically done in consideration of advice from officials of the Department of Environment

and other departments.

**ENVIRONMENTAL PROTECTION ACT : SUMMARY**

*This summary of the EPA outlines the main intent of each part of the Act (in italics) and each section of the Act. The subject index beginning on page 17 may assist in finding the appropriate sections in the table. Please refer to the Act directly for the legal text.*

Section	Main Provisions
1	<ul style="list-style-type: none"> <li>Title - <i>Environmental Protection Act (EPA)</i>.</li> </ul>
2	<ul style="list-style-type: none"> <li>Definitions for the EPA.</li> </ul>

**PART I - APPLICATION**

*The EPA applies throughout Newfoundland and Labrador to all “persons”, including individuals, corporations and government.*

3	<ul style="list-style-type: none"> <li>The EPA binds the Provincial Crown, including departments, agencies and corporations.</li> </ul>
4	<ul style="list-style-type: none"> <li>The EPA takes precedence if there is conflict with another <i>Act</i>.</li> <li>Higher environmental standards do not constitute a conflict.</li> </ul>

**PART II - ENVIRONMENTAL EDUCATION AND RESEARCH**

*Part II enables the Minister to support or implement research and educational programs and appoint advisory bodies. These will be put in place according to need and available resources, and may involve agreements.*

5	<ul style="list-style-type: none"> <li>The Minister may support and implement research and educational programs.</li> </ul>
6	<ul style="list-style-type: none"> <li>The Minister may appoint advisory bodies.</li> </ul>

**PART III - RELEASE OF SUBSTANCES**

*Part III gives the Minister authority to control the release of any substance that may adversely affect the environment. The term “environment” has a broad definition giving the EPA’s wide application.*



7	<ul style="list-style-type: none"> <li>• Prohibition of unauthorized releases of substances that in the Minister’s opinion causes or may cause an adverse effect.</li> <li>• Allowable levels for releases are defined in the EPA regulations and stipulated in approvals.</li> </ul>
8	<ul style="list-style-type: none"> <li>• The person(s) responsible must report a release that causes adverse effects or is in excess of level authorized.</li> </ul>
9	<ul style="list-style-type: none"> <li>• The person(s) responsible must take action, at his/her own cost, to prevent or alleviate adverse effects, rehabilitate the site, and generally do what an inspector requires.</li> </ul>
Section	Main Provisions
10	<ul style="list-style-type: none"> <li>• A person may report that person’s non-compliance.</li> <li>• The Minister may enter into a compliance agreement or issue an order to ensure compliance.</li> </ul>
11	<ul style="list-style-type: none"> <li>• An inspector may act where release of a substance may constitute an environmental emergency.</li> <li>• This applies even if the release was authorized.</li> </ul>
12	<ul style="list-style-type: none"> <li>• The Minister may classify and approve releases of substances.</li> </ul>
<p><b>PART IV - WASTE DISPOSAL AND LITTER</b></p> <p><i>Part IV authorizes the Minister to set and enforce standards and requirements for waste management and disposal systems to ensure that waste is dealt with in an appropriate manner in all circumstances.</i></p>	
13	<ul style="list-style-type: none"> <li>• The Minister may:               <ul style="list-style-type: none"> <li>- Set restrictions and guidelines on waste material</li> <li>- Specify content of recycled material in manufactured goods</li> <li>- Require waste management plans.</li> </ul> </li> </ul>
14	<ul style="list-style-type: none"> <li>• Regulations and policies may be enacted to prevent or reduce litter.</li> <li>• The Minister may designate a material to be banned, reduced, composted, recycled or restricted.</li> <li>• The use and sale of waste requires approval.</li> </ul>
15	<ul style="list-style-type: none"> <li>• The Minister may set standards and requirements for waste management systems and disposal sites.</li> </ul>

16	<ul style="list-style-type: none"> <li>• Prohibition of methods of waste collection, transportation, use and disposal other than those included under an approved waste management system.</li> </ul>
17	<ul style="list-style-type: none"> <li>• Prohibition against abandoning a vehicle.</li> <li>• The registered owner is liable and subject to Court-imposed penalties, including fines of \$1,000 - \$5,000, up to 6 months in jail, paying for removal, and licence suspension.</li> </ul>

**PART V - WASTE MANAGEMENT**

*Part V enables the continuation of the Multi-Materials Stewardship Board to oversee the deposit-refund program for beverage containers and other waste management programs. Such programs complement regulations by providing financial incentives to enhance environmental protection.*

Section	Main Provisions
18	<ul style="list-style-type: none"> <li>• Definitions for Part V.</li> </ul>
19	<ul style="list-style-type: none"> <li>• Continuation of the Multi-Material Stewardship Board crown corporation in support of waste management programs.</li> </ul>
20	<ul style="list-style-type: none"> <li>• The Board recommends waste management programs.</li> <li>• Cabinet approves programs.</li> <li>• The Minister or Board may operate programs.</li> </ul>
21	<ul style="list-style-type: none"> <li>• The Minister may support research into waste management and require data collection and reporting.</li> </ul>

**PART VI - AIR QUALITY MANAGEMENT**

*Part VI gives the Minister authority to establish air quality standards and controls, which is done largely through regulations.*

22	<ul style="list-style-type: none"> <li>• The Minister may:               <ul style="list-style-type: none"> <li>- Set standards for air quality, emissions, equipment performance, vehicles, wood stoves, monitoring and reporting</li> <li>- Regulate releases into the atmosphere</li> <li>- Require or establish air quality monitoring programs</li> <li>- Cooperate with municipalities including model by-laws.</li> </ul> </li> </ul>
23	<ul style="list-style-type: none"> <li>• The Minister may:               <ul style="list-style-type: none"> <li>- Establish air quality management areas and advisory committees</li> <li>- Develop air quality plans and programs for an area, taking into account combined effects of air contaminants.</li> </ul> </li> </ul>
<p><b>PART VII - CONTAMINATED SITES</b></p> <p><i>Part VII extends the Minister's authority for rehabilitation of contaminated sites, including designating sites, setting standards and assigning responsibility.</i></p>	
24	<ul style="list-style-type: none"> <li>• This section applies regardless of the time of contamination.</li> </ul>

Section	Main Provisions
25	<ul style="list-style-type: none"> <li>• The Minister may enter into compliance agreements and other agreements and establish programs to restore contaminated sites.</li> <li>• For orphan sites, the Crown may pay for site rehabilitation.</li> <li>• Authority to establish a fund for restoring contaminated sites.</li> </ul>
26	<ul style="list-style-type: none"> <li>• The Minister may:               <ul style="list-style-type: none"> <li>- Designate a contaminated site, also cancel the designation</li> <li>- Set standards and criteria.</li> </ul> </li> <li>• This section applies notwithstanding any enforcement, approval for the release, failure to prohibit the release, or source of contaminants from outside the site.</li> </ul>
27	<ul style="list-style-type: none"> <li>• The Minister shall notify and consult with the person responsible, property owner and municipality prior to the designation of a contaminated site.</li> </ul>

28	<ul style="list-style-type: none"> <li>• The person responsible for a contaminated site shall submit an environmental site assessment and remedial action plan.</li> <li>• The Minister may approve or reject the plan and enter into agreements on remedial action and costs.</li> </ul>
29	<ul style="list-style-type: none"> <li>• The Minister may:             <ul style="list-style-type: none"> <li>- Determine the criteria, procedures and guidelines for the classification, management and rehabilitation of contaminated sites</li> <li>- Determine the persons responsible</li> <li>- Enter into compliance agreements and other agreements on site rehabilitation and management.</li> </ul> </li> </ul>
<p><b>PART VIII - DANGEROUS GOODS</b></p> <p><i>Part VIII gives the Minister broad powers to control dangerous goods and waste dangerous goods. Authority extends to classifying and designating toxic substances as dangerous goods and curtailing or banning their manufacture, use and release.</i></p>	
30	<ul style="list-style-type: none"> <li>• Dangerous goods must be handled in a manner that does not cause an adverse effect.</li> </ul>
31	<ul style="list-style-type: none"> <li>• The Minister may:             <ul style="list-style-type: none"> <li>- Stipulate concentration and manner of release of dangerous goods and waste dangerous goods</li> <li>- Stipulate monitoring and reporting requirements</li> <li>- Establish codes and require contingency plans</li> <li>- Direct responsible persons on handling, storage, training, site de-contamination, and treatment and disposal.</li> </ul> </li> </ul>
<p><b>PART IX - PESTICIDES</b></p> <p><i>Part IX carries over the provisions of the previous Pesticides Control Act covering all aspects of pesticide use, transportation, storage, handling and disposal. Commercial users must be licenced.</i></p>	
Section	Main Provisions
32	<ul style="list-style-type: none"> <li>• Definitions for Part IX.</li> </ul>

33	<ul style="list-style-type: none"> <li>• Prohibition against commercial supply or use of a pesticide without a licence. An application for a licence must be in the required form.</li> <li>• The Minister may:               <ul style="list-style-type: none"> <li>- Approve or deny a licence</li> <li>- Suspend or cancel a licence in the event of a contravention.</li> </ul> </li> </ul>
34	<ul style="list-style-type: none"> <li>• Liability insurance is required for a licence to be valid.</li> </ul>
35	<ul style="list-style-type: none"> <li>• A licence holder may employ unlicensed assistants for agricultural operations provided safety requirements are met.</li> </ul>
36	<ul style="list-style-type: none"> <li>• Prohibition against the sale of a pesticide to an unlicensed person.</li> </ul>
37	<ul style="list-style-type: none"> <li>• Containment requirements for pesticides are specified.</li> </ul>
38	<ul style="list-style-type: none"> <li>• Prohibition against storing or transporting a pesticide in proximity to food.</li> </ul>
39	<ul style="list-style-type: none"> <li>• Pesticides must be handled in accordance with the regulations or absent regulations, as prescribed by the manufacturer.</li> <li>• The broad definition of “handle” covers all aspects of pesticide production/use.</li> </ul>
40	<ul style="list-style-type: none"> <li>• Pesticides and their containers must be disposed of in accordance with the regulations or absent regulations, as prescribed by the manufacturer.</li> </ul>
41	<ul style="list-style-type: none"> <li>• Prohibition of pesticides from entering a water body.</li> </ul>
42	<ul style="list-style-type: none"> <li>• The Minister may prohibit the sale and use of pesticide-contaminated products and order their destruction or sanitation.</li> </ul>
43	<ul style="list-style-type: none"> <li>• There will be no government compensation for losses resulting from section 42.</li> </ul>
44	<ul style="list-style-type: none"> <li>• The Minister may prohibit or restrict the sale and use of a pesticide.</li> </ul>

**PART X - ENVIRONMENTAL ASSESSMENT**

*The Environmental Assessment Act, 2000 is incorporated in its entirety in Part X. The environmental assessment process requires that the environmental effects of proposed undertakings be evaluated to the satisfaction of the Minister, prior to release. Terms and conditions may be imposed, such as monitoring requirements or restoration of an affected environment to an acceptable state.*

*There are four levels of assessment: registration of all undertakings listed in the regulations, and if further assessment is needed, an environmental preview report (EPR), environmental impact statement (EIS), or public hearing may be ordered.*

*Environmental assessment is a public process. Documents prepared by proponents (registrations, (EPRs), (EISs)) are made available to the public for review and comment. Decisions by the Minister are announced publicly, within timelines set in the regulations.*

Section	Main Provisions
45	<ul style="list-style-type: none"> <li>• Definitions for Part X.</li> </ul>
46	<ul style="list-style-type: none"> <li>• The purpose of environmental assessment is given.</li> </ul>
47	<ul style="list-style-type: none"> <li>• Proposed undertakings that are designated in the regulations are subject to environmental assessment and must be registered.</li> <li>• The definition of “undertaking” in sub-section 2(mm) enables the Minister to designate any activity or project as an undertaking, if the Minister determines that it may have a significant environmental effect.</li> </ul>
48	<ul style="list-style-type: none"> <li>• An undertaking may not proceed unless it is released or exempted under the <i>Act</i>.</li> </ul>
49	<ul style="list-style-type: none"> <li>• Proponents must register proposed undertakings, including all required information and payment of the registration fee (\$200).</li> </ul>
50	<ul style="list-style-type: none"> <li>• Cabinet may reject an undertaking if it is contrary to law or policy.</li> </ul>
51	<ul style="list-style-type: none"> <li>• At the end of the 45 day review of the registration, the Minister shall make one of three determinations - release, EPR, or EIS - and inform the proponent.</li> </ul>
52	<ul style="list-style-type: none"> <li>• For EPRs and EISs, the Minister shall appoint a governmental assessment committee to give advice.</li> </ul>

53	<ul style="list-style-type: none"> <li>• The assessment committee shall prepare guidelines for the EPR or EIS for approval by the Minister.</li> </ul>
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Section	Main Provisions
54	<ul style="list-style-type: none"> <li>• The procedure for an environmental preview report is given, including:                             <ul style="list-style-type: none"> <li>- EPR guidelines issued by the Minister to the proponent</li> <li>- Submission of the EPR by the proponent</li> <li>- EPR review by the Minister and correction of deficiencies by the proponent</li> <li>- Acceptance of the EPR by the Minister</li> <li>- Decision by the Minister to release the undertaking or require an EIS.</li> </ul> </li> </ul>
55	<ul style="list-style-type: none"> <li>• Where an EIS is ordered, the Minister shall provide guidelines to the proponent.</li> </ul>
56	<ul style="list-style-type: none"> <li>• The Minister may release an undertaking after the registration or EPR stages (sections 51 and 54).</li> <li>• Upon release, the proponent may proceed with the undertaking, subject to other legislation and terms and conditions that the Minister may impose.</li> </ul>
57	<ul style="list-style-type: none"> <li>• The minimum requirements for an EIS are stipulated.</li> </ul>
58	<ul style="list-style-type: none"> <li>• The proponent shall hold public meetings during preparation of an EIS to provide information and respond to public concerns.</li> </ul>
59	<ul style="list-style-type: none"> <li>• The Minister shall provide EIS guidelines to the public for comment prior to their approval.</li> <li>• The Minister may request public comments any time during an environmental assessment and forward comments to the proponent for response.</li> </ul>
60, 61	<ul style="list-style-type: none"> <li>• The EIS shall be made available to the public and examined by the Minister.</li> <li>• The Minister may order deficiencies to be corrected or determine that the EIS complies with the <i>Act</i> and guidelines, and advise the proponent.</li> </ul>
62	<ul style="list-style-type: none"> <li>• Prior to decisions, the Minister shall consult with other government departments with an interest in an undertaking.</li> </ul>

63-66	<ul style="list-style-type: none"> <li>• Cabinet may order public hearings, where there is strong public interest in an undertaking for which an EIS is required.</li> <li>• The procedure for holding public hearings is given, including:             <ul style="list-style-type: none"> <li>- Appointment of an independent board by Cabinet</li> <li>- Public hearing process</li> <li>- Report and recommendations of the board.</li> </ul> </li> </ul>
67	<ul style="list-style-type: none"> <li>• After the EIS or public hearing stages, Cabinet may release or reject an undertaking.</li> <li>• Cabinet may reject an undertaking if it is contrary to the public interest.</li> <li>• The Minister may reject an undertaking for unacceptable environmental effects.</li> </ul>
68	<ul style="list-style-type: none"> <li>• Authorizations under other acts shall not be issued until an undertaking has been released or exempted from environmental assessment.</li> </ul>
Section	Main Provisions
69	<ul style="list-style-type: none"> <li>• The Minister may require environmental monitoring and rehabilitation studies and programs.</li> </ul>
70	<ul style="list-style-type: none"> <li>• Cabinet may exempt an undertaking from environmental assessment, if in the public interest, subject to terms and conditions.</li> </ul>
71	<ul style="list-style-type: none"> <li>• The Minister may decline to publicly disclose information, if in the public interest.</li> </ul>
72, 73	<ul style="list-style-type: none"> <li>• Cabinet may approve agreements with Canada or other provinces on a cooperative environmental assessment process or assessment of an individual undertaking, including a joint review panel.</li> <li>• The terms of such agreements may replace the terms of this Part or the regulations.</li> <li>• Proponents shall pay the costs of assessments carried out under such agreements.</li> </ul>
74	<ul style="list-style-type: none"> <li>• The Minister may set fees to offset government's costs for conducting an environmental assessment.</li> <li>• The proponent shall pay such fees, or failing that, the Minister may suspend the environmental assessment.</li> </ul>
75	<ul style="list-style-type: none"> <li>• The Minister shall issue notices of registrations, decisions, etc. within time periods set in the regulations.</li> </ul>



76	<ul style="list-style-type: none"> <li>• Releases may be amended.</li> <li>• A requirement for security may be a term and condition of a release or exemption.</li> </ul>
77	<ul style="list-style-type: none"> <li>• The Court may issue a reclamation order to a person convicted of an offence, including posting of a bond or other security to ensure compliance.</li> </ul>
<p><b>PART XI - APPROVALS</b></p> <p><i>Certain activities, defined in the regulations and generally involving the release of substances, require an approval to avoid or minimize adverse environmental effects. Part XI defines the requirements, procedures and Minister's authority for approvals under the EPA.</i></p>	
78	<ul style="list-style-type: none"> <li>• An approval must be in place prior to the commencement of any activity requiring an approval under the EPA.</li> </ul>
79	<ul style="list-style-type: none"> <li>• The Minister may deny approval of an activity, if not in the public interest, or for reasons of policy, unacceptable location or adverse effects.</li> <li>• The proponent shall be notified with reasons for refusal.</li> <li>• The proponent may not sue the Crown for losses due to a refusal under this section.</li> </ul>
Section	Main Provisions
80	<ul style="list-style-type: none"> <li>• An application must contain all information required by the Minister before being considered.</li> <li>• Prior approval may be required from other government departments.</li> <li>• The Minister may require a plan for public notification and consultation.</li> </ul>
81	<ul style="list-style-type: none"> <li>• A 60 day time period is allowed for the Minister to process an approval, unless the applicant is advised otherwise within 30 days.</li> </ul>
82	<ul style="list-style-type: none"> <li>• Any change to an approved activity must be authorized by the Minister.</li> </ul>

83	<ul style="list-style-type: none"> <li>• The Minister may:             <ul style="list-style-type: none"> <li>- Issue or refuse an approval</li> <li>- Apply terms and conditions, which may be more stringent in environmentally sensitive areas</li> <li>- Require plans for pollution prevention and rehabilitation</li> <li>- Require security</li> <li>- Require training</li> <li>- Limit the time period for which an approval is valid.</li> </ul> </li> </ul>
84	<ul style="list-style-type: none"> <li>• The Minister may require financial or other security and may determine the manner of forfeiture or return, in accordance with the regulations.</li> </ul>
85	<ul style="list-style-type: none"> <li>• The Minister may amend an approval, giving reasons, with 30 days notice, due to adverse effects, monitoring requirements, suspension of the activity, or a request from the approval holder.</li> <li>• The Minister may suspend or cancel an approval due to adverse effects or default.</li> </ul>
86	<ul style="list-style-type: none"> <li>• Transfer of an approval is prohibited without the Minister's consent.</li> <li>• The Minister may grant consent and has 60 days to do so, unless the applicant is notified within 15 days of submitting an application.</li> </ul>
87	<ul style="list-style-type: none"> <li>• An approval holder must immediately provide any new information to the Minister on actual or possible adverse effects.</li> </ul>
88	<ul style="list-style-type: none"> <li>• On application, the Minister may temporarily vary a term or condition of an approval, if no adverse effects will result.</li> </ul>

**PART XII - INSPECTION AND INVESTIGATION**

*The authority for inspections and investigations is set out in Part XII. Inspectors have broad powers to inspect the property and records of approval holders to determine compliance and the existence of any adverse effects. Protection for employees is also provided in this Part.*

Section	Main Provisions
89	<ul style="list-style-type: none"> <li>• The Minister may:               <ul style="list-style-type: none"> <li>- Designate inspectors for the purposes of the <i>Act</i></li> <li>- Authorize employees to act on the Minister's behalf.</li> </ul> </li> <li>• RNC and RCMP officers are designated as inspectors.</li> </ul>
90	<ul style="list-style-type: none"> <li>• Inspectors have the powers of peace officers, as defined in the <i>Criminal Code</i> of Canada.</li> </ul>
91	<ul style="list-style-type: none"> <li>• Two or more persons, with a supporting affidavit, may request that the Minister investigate an alleged contravention.</li> </ul>
92	<ul style="list-style-type: none"> <li>• The Minister is required to conduct an investigation of a complaint made under section 91 and report within 90 days to the parties involved.</li> </ul>
93	<ul style="list-style-type: none"> <li>• All sites relating to an approval, other than private dwellings, are subject to inspections.</li> </ul>
94	<ul style="list-style-type: none"> <li>• Inspectors may, at reasonable times, enter the site or premises of approval holders to inspect for compliance, adverse effects, releases, remedial actions, take samples, test substances and review records.</li> </ul>
95	<ul style="list-style-type: none"> <li>• Where a contravention is reasonably suspected and with a warrant, an inspector may enter a premises to search/inspect, seize/copy/return records, seize evidence and make inquiries. The owner must provide reasonable assistance and information.</li> <li>• An inspector may act without a warrant in exigent circumstances.</li> </ul>
96	<ul style="list-style-type: none"> <li>• Inspectors may have assistants to carry out duties under the EPA.</li> </ul>
97	<ul style="list-style-type: none"> <li>• An employer is prohibited from dismissing/disciplining/intimidating an employee who refuses to contravene or reports a contravention.</li> <li>• It is an offence to willfully provide false information.</li> </ul>

98	<ul style="list-style-type: none"> <li>Public employees are not liable, if they are performing duties in good faith. The Crown is not vicariously liable.</li> </ul>
<p><b>PART XIII - ORDERS</b></p> <p><i>Part XIII authorizes the Minister to issue an order if there is reason to believe the Act or an approval has been contravened. Orders may be issued for purposes including stopping an activity, controlling the releases or carrying out remedial action. In cases of non-compliance with an order, the Minister has authority to take the necessary action to carry out the terms of the order at the person's expense. An alternative to Court action for correcting a contravention may be a compliance agreement under strict conditions.</i></p>	
Section	Main Provisions
99	<ul style="list-style-type: none"> <li>Where a contravention is suspected on reasonable grounds, the Minister, his/her designate, or an inspector may issue an order requiring a person, at the person's own expense, within timelines to:             <ul style="list-style-type: none"> <li>Stop an activity immediately</li> <li>Take steps to protect/restore the environment</li> <li>Reduce/eliminate a substance release</li> <li>Remedy an adverse effect</li> <li>Require other actions including: altering equipment, submitting action/contingency plans, doing/reporting on site investigations, providing security to ensure compliance, keeping records, submitting expert's reports.</li> </ul> </li> <li>Terms and conditions may be more stringent in sensitive areas.</li> </ul>
100	<ul style="list-style-type: none"> <li>The Minister may amend or revoke an order.</li> </ul>
101	<ul style="list-style-type: none"> <li>An order:             <ul style="list-style-type: none"> <li>May deal with multiple substances causing adverse effects and be directed at more than one person</li> <li>Continues in effect until revoked by the Minister</li> <li>Is binding on the trustees/receivers of person receiving order</li> <li>Applies regardless of when the contravention occurred.</li> </ul> </li> </ul>

102	<ul style="list-style-type: none"> <li>• If a person does not comply with an order within the time specified, the Minister may carry out the order, at the person's expense.</li> <li>• A person may not recover costs for a stop order from the Crown.</li> <li>• An order filed with the Court constitutes a judgement.</li> </ul>
103	<ul style="list-style-type: none"> <li>• Persons named in an order are jointly and individually responsible for carrying out the order and paying the costs, unless an agreement with the Minister stipulates otherwise.</li> <li>• For a receiver or trustee, liability is limited to the value of the assets administered unless the receiver or trustee contributes to the adverse effect.</li> </ul>

Section	Main Provisions
104	<ul style="list-style-type: none"> <li>• An insurance settlement may be used to pay the Minister for expenses incurred to carry out an order, subject to the policy terms.</li> <li>• Minister may share a settlement with persons suffering loss.</li> <li>• Minister may take Court action against an insurer.</li> </ul>
105	<ul style="list-style-type: none"> <li>• The Minister may enter into a compliance agreement with a person in contravention and avoid or postpone charging an offence in the following circumstances:               <ul style="list-style-type: none"> <li>- The contravention is beyond the person's control and causes economic hardship</li> <li>- Environmental damage or health problems are not likely to result</li> <li>- The compliance agreement is in the public interest.</li> </ul> </li> <li>• Compliance agreements must be made public and are for a fixed period of time.</li> <li>• Compliance agreements may include pollution prevention planning, operating changes, remedial actions, rehabilitation, monitoring, compensation, liability, security, alternative dispute resolution.</li> <li>• Minister may amend terms and conditions, take other actions outside a compliance agreement, or cancel an agreement if person does not comply.</li> <li>• A compliance agreement is automatically canceled if its terms are violated.</li> </ul>
106	<ul style="list-style-type: none"> <li>• Administrative penalties are specified in regulations allowing payment for contravention instead of being charged with an offence.</li> </ul>

**PART XIV - APPEALS AND REMEDIES**

*Part XIV extends a person's right to appeal ministerial decisions and orders, except those made in connection with environmental assessments.*

107	<ul style="list-style-type: none"> <li>• A person may appeal to the Minister within 60 days of an order or ministerial decision, except those for environmental assessments.</li> <li>• The Minister has 30 days either to dismiss the appeal or change the decision.</li> </ul>
108	<ul style="list-style-type: none"> <li>• A person may appeal to the Courts within 30 days of an order.</li> <li>• Procedures for Court appeals are specified.</li> <li>• An order remains in force pending the outcome of the appeal.</li> </ul>
109	<ul style="list-style-type: none"> <li>• An offence under the EPA does not bar a person from civil action.</li> </ul>
110	<ul style="list-style-type: none"> <li>• A conviction is evidence of negligence and a person who suffers loss may sue for damages.</li> </ul>

**PART XV - REGULATIONS**

*Part XV extends Cabinet's authority to make regulations in areas listed in section 111. Previous regulations continued under the EPA may be amended and new regulations developed as needed.*

*Section 112 enables fees for administration of the EPA. Government bears the cost of environmental protection as a benefit to society as a whole; however, costs may be recovered that are attributable to a specific person or project.*

Section	Main Provisions
111	<ul style="list-style-type: none"> <li>• Cabinet may make regulations to carry out provisions of EPA.</li> <li>• This section specifies areas for which regulations may be made.</li> </ul>
112	<ul style="list-style-type: none"> <li>• The Minister may establish fees and forms for administering the EPA.</li> </ul>
113	<ul style="list-style-type: none"> <li>• Service of a notice/order/approval may be by registered mail or personal delivery to a designated person or corporate officer.</li> </ul>

**PART XVI - OFFENCE AND PENALTY**

*Part XIV stipulates environmental offences and penalties. Monetary penalties are intended to act as a deterrent and to pass on the costs of prosecutions and clean-up to the offender. Liability of corporations is also covered in this Part.*

114	<ul style="list-style-type: none"> <li>• Offences are stipulated including failure to provide information, false information, obstructing an inspector and contravention of approval, order, regulation, licence or environmental assessment release under EPA.</li> <li>• Each day constitutes a separate offence.</li> </ul>
115	<ul style="list-style-type: none"> <li>• Provision for maximum and minimum fines and imprisonment for conviction of an offence, as follows:               <ul style="list-style-type: none"> <li>- Corporations and municipalities - \$1,000 to \$1,000,000</li> <li>- Individuals - \$500 to \$10,000 and up to three months in jail</li> <li>- Minimum fines increase to \$4,000 and \$1,000 respectively for subsequent offences and jail term increases to six months.</li> </ul> </li> <li>• For environmental assessment only the following fines apply:               <ul style="list-style-type: none"> <li>- Corporations - \$5,000 to \$1,000,000</li> <li>- Individuals - \$1,000 to \$50,000 and up to six months in jail</li> <li>- Minimum fines increase by three times for subsequent offences.</li> </ul> </li> <li>• The Courts may increase the amount of a fine for a conviction in the amount of any monetary benefit that resulted from the offence.</li> </ul>
116	<ul style="list-style-type: none"> <li>• An employer may be convicted of an offence committed by an employee, unless the employee acted without the knowledge and consent of the employer.</li> </ul>
117	<ul style="list-style-type: none"> <li>• A director or officer of a corporation who authorizes a contravention of the <i>Act</i> can be prosecuted.</li> </ul>
Section	Main Provisions
118	<ul style="list-style-type: none"> <li>• The liability of trustees is limited to the value of the assets administered, except in certain stated circumstances.</li> </ul>
119	<ul style="list-style-type: none"> <li>• In addition to fines for conviction of an offence, the Court has authority to order further remedial action, compensation, community service, etc. by the offender.</li> </ul>
120	<ul style="list-style-type: none"> <li>• Government may recover the costs of a conviction, environmental emergency measures, and other eligible costs from a person convicted of an offence.</li> </ul>

121	<ul style="list-style-type: none"> <li>• Certain Crown documents used as evidence in court do not require an original signature to be admissible.</li> </ul>
122	<ul style="list-style-type: none"> <li>• The Minister may appoint analysts for examinations of substances in connection with an inspection or investigation.</li> </ul>
<b>PART XVII - TRANSITIONAL AND REPEAL</b>	
123	<ul style="list-style-type: none"> <li>• Provides details for transition and repeal of existing legislation.</li> <li>• Existing approvals must all be renewed within two years of coming into force of the <i>EPA</i>.</li> </ul>
124	<ul style="list-style-type: none"> <li>• Provides for administrative sections of the <i>Waste Material Disposal Act</i> to be transferred to the <i>Municipalities Act</i>.</li> </ul>
125	<ul style="list-style-type: none"> <li>• Repeals five previous Acts.             <ul style="list-style-type: none"> <li>- <i>Environment Act</i></li> <li>- <i>Environmental Assessment Act</i></li> <li>- <i>Pesticides Control Act</i></li> <li>- <i>Waste Management Act</i></li> <li>- <i>Waste Material Disposal Act</i></li> </ul> </li> </ul>



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