

Environment Act amendments related to Contaminated sites

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Background:

- Act defined contaminated sites as “designated” by the Minister
- No sites were designated, provisions under part VIII were not used in practice

Why weren't the Act provisions used for contaminated site mgt?

- Required Ministerial intervention to give notice and make a determination of liability for persons responsible
- Most site owners know who they are, and what they are responsible for

Site Management

- Department developed and adopted guidelines and policies for dealing with contaminated sites and spills
- Provided for voluntary site assessment(s) and remediation of contaminated property

Overview of the Act Amendments

First thing:

- Expanded the definition of “contaminated site”



Contaminated site definition:

Means: a designated site, or

- Unless otherwise defined by regulation, a site with concentrations of contaminants that exceed standards prescribed or adopted by the Minister that has caused, is causing or may cause an adverse effect

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Why amend the definition?

- Adding a secondary definition allows for the development of a program founded in law that addresses sites as they are determined in practice (ie. By technical/scientific risk based criteria as opposed to “designation”)

What is means

- The change to the definition allows us to proceed with developing regulations dealing with contaminated sites, pursuant to the regulation making powers of the Act
- In the interim, it also means no changes to how sites are dealt with in practice

What it means

- Provides a framework in the Act to distinguish between releases (as spills) and contaminated sites

Why these Changes?

- Provides an ability to make regulations



Regulation making abilities:

- how you enter and exit the process
- site assessments and remedial plans
- “voluntary remediation agreements”
- remedial criteria, including risk based criteria

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Regulation making abilities:

- Reporting and closure mechanisms, including property use certificates and environmental notices
- Site professional qualifications and insurance
- Regulatory liability issues following closure, including transfer of liability

Regulation making abilities

- Not compelled to use them all
- The approach to using them has not been worked out
- Need to consult during development

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Issues to consider:

- what's working, not working within existing guidelines/policies
- what should be carried over into regulation and how
- Look to outcome(s) from New Brunswick liability working group
- Look to CCME guidance on liability

In the interim:

- Continue to look at existing policies/guidelines and make adjustments
- Work within PIRI to finalize regulatory discretion items for RBCA, standardized closure reporting etc

Want to see the details of the Act amendments?

- Check out:

http://www.gov.ns.ca/legislature/legc//bills/60th_1st/3rd_read/b113.htm

