

## LEHDER Environmental Services

### Newsletter

January 2012

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### *Environmental Emergency (E2) Regulations*

The Environmental Emergency Regulations (E2 Regulations) initially came into force on November 18, 2003. This legislation requires the preparation and implementation of E2 plans to manage toxic and other hazardous substances.

On December 21, 2011 Environment Canada updated this regulation to address the addition of 41 unique substances to this legislation. The substances added include styrene a chemical used to make polystyrene plastic containers, and ammonium nitrate, a fertilizer.

The amendments to this regulation includes an exemption that reduces the administrative burdens for some facilities in the propane gas sector. Facilities with propane in storage containers are excluded from the E2 regulations if their storage containers of less than 10 tonnes are located at least 360 metres from their property boundaries.

Section 3 of the regulations is amended by adding a new provision addressing closed or decommissioned facilities. The amendments includes a provision that requires the submission of a notice to the Ministry at least 30 days prior to the closure or decommissioning of the facility.

The complete list of substances added to the E2 regulations and details of the amendments can be found at: <http://bit.ly/e2regs>

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#### **Purpose of E2 Plan:**

E2 plan needs to address the types of emergencies that might reasonably occur, including both onsite and offsite consequences, and the associated prevention, preparedness, response and recovery issues. Each year the facility must review, update and test the E2 plan and maintain documentation of such for a minimum of 5 years.

#### **Does this regulation apply to your facility?:**

To determine if this Environmental Emergency Regulations applies to your facility, LEHDER recommends that you complete the following five steps:

- **Step 1** – Identify if you use any of the specified substances contained in Schedule 1.
- **Step 2** – For each substance used, determine the maximum quantity that may be present at your

facility at any time (storage and use).

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- **Step 3** – For each E2 substance used, determine the maximum capacity of the storage container(s).
- **Step 4** – If either the quantity of the E2 substance or maximum capacity of the containers determined in steps 2 and 3 is greater than the threshold quantity of Schedule 1, then you require a notification to Environment Canada.
- **Step 5** – If both the quantity of the E2 substance and the maximum container capacity are above the threshold then you must prepare an E2 plan for each substance exceeding the threshold. This E2 plan needs to be implemented and tested and notification of such to Environment Canada is required.

### **Notification Requirements:**

There are three types of notices which can all be completed online at:

[https://cepae2-lcpeue.ec.gc.ca/index\\_en.cfm](https://cepae2-lcpeue.ec.gc.ca/index_en.cfm)

#### ***Notice of Identification of Substance and Place:***

This notice is required within 90 days of exceeding one the thresholds identified in steps 2 or 3 above. This notice must include the following information:

- Identify the facility, its location and contact person;
- Head office location and contact person (if different from facility);
- The applicable substance(s) (chemical name, CAS number and UN number [if applicable]);
- Maximum amounts used or stored at anytime during a year; and
- Capacity of the largest container of the E2 substance.

#### ***Notice of Preparation of Plan:***

This notice is required with 6 months of exceeding the thresholds in both steps 2 and 3. This notice requires the following:

- Place where E2 substances are located;
- Use of prior plans;
- Local level involvement;
- Information for each E2 substance covered by the E2 plan and date when the E2 plan was completed; and
- Location of the E2 plan.

#### ***Notice of Implementation and Testing of Plan:***

This notice is required within one year of exceeding the thresholds in both steps 2 and 3. This notice requires the following information:

- Where the E2 substance(s) are located; and
- Details on the implementation and testing of the plan including date, list of all involved and results of test.

### **How can LEHDER assist?:**

LEHDER can assist your facility in determining if you have any regulated substances and if notices or an E2 plan is required. LEHDER can also assist in the preparation and submissions of notices and E2 plan.

### **For Further Information**

For further information or questions on E2 Regulations, please contact:

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### **About LEHDER**

LEHDER Environmental Services is an environmental consulting company focused on providing Excellence in Industrial Air Quality Services. Formed in 1995, LEHDER is now one of the largest Air Quality Management companies in Canada.

All Air Quality aspects – source testing, emission inventories, air dispersion modeling, data interpretation and approval applications – are managed internally without outsourcing and partnering.

At LEHDER we recognize our client's need to make decisions that provide for operational flexibility while meeting regulatory economic and social requirements. Visit [www.lehder.com](http://www.lehder.com)

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