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Vol. 145, No. 20 — May 14, 2011

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-03526 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee*: Valley Towing Limited, New Westminster, British Columbia.

2. *Waste or other matter to be disposed of*: Dredged material.

2.1. *Nature of waste or other matter*: Dredged material consisting of rock, gravel, sand, silt, clay, wood waste or material typical to the approved loading site, except logs and usable wood. The Permittee shall ensure that every effort is made to prevent the deposition of log bundling strand into waste or other matter approved for loading and disposal at sea and/or remove log bundling strand from waste or other matter approved for loading and disposal at sea.

3. *Duration of permit*: Permit is valid from June 13, 2011, to June 12, 2012.

4. *Loading site(s)*:

(a) Various approved sites in the Fraser River Estuary, British Columbia, at approximately 49°11.90' N, 123°07.88' W (NAD83);

(b) Various approved sites in Vancouver Harbour, British Columbia, at approximately 49°18.70' N, 123°08.00' W (NAD83); and

(c) Various approved sites near Vancouver Island, British Columbia, at approximately 49°22.45' N, 123°56.42' W (NAD83).

5. *Disposal site(s)*:

(a) Point Grey Disposal Site, within a one nautical mile radius of 49°15.40' N, 123°21.90' W (NAD83); and

(b) Watts Point Disposal Site, within a 0.25 nautical mile radius of 49°38.50' N, 123°14.10' W (NAD83).

6. *Method of loading*: Loading will be carried out using a clamshell dredge.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the

loading site to the disposal site via towed scow.

8. *Method of disposal*: Disposal will be carried out by end dumping.

9. *Total quantity to be disposed of*: Not to exceed 20 000 m³ place measure.

10. *Approvals*: The Permittee shall obtain from the permit-issuing office a letter of approval for each loading and disposal activity prior to undertaking the work, and conduct these activities in accordance with the relevant letter of approval.

11. *Fees*: The fee prescribed by the *Disposal at Sea Permit Fee Regulations* shall be paid by the Permittee in accordance with those Regulations.

12. *Inspection*:

12.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

12.2. The Permittee shall ensure that records of all loading and disposal activities are kept on site for the duration of the permit and are available for inspection by any enforcement officer or analyst, for two years following the expiry of the permit.

12.3. Ships operating under the authority of this permit shall carry and display a radar-reflecting device at all times mounted on the highest practical location.

13. *Contractors*:

13.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

13.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

14. *Reporting and notification*:

14.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Environment Canada's Environmental Enforcement Division, Pacific and Yukon Region, 604-666-9059 (fax) or das.pyr@ec.gc.ca (email).

14.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Pacific and Yukon Region, 201-401 Burrard Street, Vancouver, British Columbia V6C 3S5, 604-666-5928 (fax) or das.pyr@ec.gc.ca (email), within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: a list of all work completed pursuant to the permit, including the location of the loading and disposal sites used, the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

14.3. At all times, a copy of this permit and of documents and drawings referenced in this permit shall be available at the loading site and on all powered ships directly engaged in the loading and disposal operations.

15. *Special precautions*:

15.1. The loading and disposal at sea referred to under this permit shall be carried out in accordance with the mitigation measures summarized in the report titled "Environmental Assessment Report — Valley Towing Ltd. — Maintenance dredging at various sites in the Fraser River, Vancouver harbour, and near Vancouver Island, and subsequent disposal at sea — 4543-2-03526" (April 2011).

DANIEL WOLFISH
Regional Director

*Environmental Protection Operations Directorate
Pacific and Yukon Region*

On behalf of the Minister of the Environment

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-03528 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee*: Fraser River Pile & Dredge (GP) Inc., New Westminster, British Columbia.

2. *Waste or other matter to be disposed of*: Dredged material.

2.1. *Nature of waste or other matter*: Dredged material consisting of rock, gravel, sand, silt, clay, wood waste or material typical to the approved loading site, except logs and usable wood. The Permittee shall ensure that every effort is made to prevent the deposition of log bundling strand into waste or other matter approved for loading and disposal at sea and/or remove log bundling strand from waste or other matter approved for loading and disposal at sea.

3. *Duration of permit*: Permit is valid from June 19, 2011, to June 18, 2012.

4. *Loading site(s)*: Delta Cedar Products, Delta, British Columbia, bounded by 49°09.44' N, 122°56.56' W; 49°09.41' N, 122°56.54' W; 49°09.33' N, 122°56.67' W; 49°09.34' N, 122°56.68' W; 49°09.33' N, 122°56.71' W; 49°09.34' N, 122°56.72' W (NAD83), as submitted in support of the permit application.

5. *Disposal site(s)*: Point Grey Disposal Site, within a one nautical mile radius of 49°15.40' N, 123°21.90' W (NAD83).

6. *Method of loading*: Loading will be carried out using a clamshell dredge.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site via hopper scow, towed scow or hopper dredge.

8. *Method of disposal*: Disposal will be carried out by bottom dumping or end dumping.

9. *Total quantity to be disposed of*: Not to exceed 12 000 m³ place measure.

10. *Fees*: The fee prescribed by the *Disposal at Sea Permit Fee Regulations* shall be paid by the Permittee in accordance with those Regulations.

11. *Inspection*:

11.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

11.2. The Permittee shall ensure that records of all loading and disposal activities are kept on site for the duration of the permit and are available for inspection by any enforcement officer or analyst, for two years following the expiry of the permit.

11.3. Ships operating under the authority of this permit shall carry and display a radar-reflecting device at all times mounted on the highest practical location.

12. *Contractors*:

12.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

12.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit

conditions.

13. *Reporting and notification:*

13.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Environment Canada's Environmental Enforcement Division, Pacific and Yukon Region, 604-666-9059 (fax) or das.pyr@ec.gc.ca (email).

13.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Pacific and Yukon Region, 201-401 Burrard Street, Vancouver, British Columbia V6C 3S5, 604-666-5928 (fax) or das.pyr@ec.gc.ca (email) within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: a list of all work completed pursuant to the permit, including the location of the loading and disposal sites used, the quantity of matter disposed of at the disposal site(s), and the dates on which disposal activities occurred.

13.3. At all times, a copy of this permit and of documents and drawings referenced in this permit shall be available at the loading site and on all powered ships directly engaged in the loading and disposal operations.

14. *Special precautions:*

14.1. The loading and disposal at sea referred to under this permit shall be carried out in accordance with the mitigation measures summarized in the report titled "Environmental Assessment Report — Maintenance dredging at Delta Cedar Products, 10104 River Road, Delta, BC, and subsequent disposal at sea — 4543-2-03528" (April 2011).

DANIEL WOLFISH
Regional Director
Environmental Protection Operations Directorate
Pacific and Yukon Region
On behalf of the Minister of the Environment

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-03530 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee:* Matcon Excavation and Shoring Ltd., Coquitlam, British Columbia.

2. *Waste or other matter to be disposed of:* Inert, inorganic geological matter.

2.1. *Nature of waste or other matter:* Inert, inorganic geological matter; all wood, topsoil, asphalt and other debris is to be segregated for disposal by methods other than disposal at sea.

3. *Duration of permit:* Permit is valid from June 14, 2011, to June 13, 2012.

4. *Loading site(s):*

(a) Various approved excavation sites in the cities of Vancouver, Burnaby, North Vancouver, West Vancouver, Surrey, and New Westminster, British Columbia, as identified in the process outlined in the document titled "Multi-Site Excavation Projects involving Disposal at Sea: Requests for Letters of Approval — Standard Procedures" (February 2011);

(b) Out-loading facilities, False Creek, British Columbia, at approximately 49°16.35' N, 123°06.70' W (NAD83);

(c) Out-loading facility on the Burrard Inlet at 2900 Commissioner Street, at approximately

49°17.55' N, 123°02.55' W; and

(d) Out-loading facilities on the Fraser River (Timberland Basin), at approximately 49°11.76' N, 122°54.35' W.

5. *Disposal site(s)*: Point Grey Disposal Site, within a one nautical mile radius of 49°15.40' N, 123°21.90' W (NAD83).

6. *Method of loading*: Loading will be carried out using land-based heavy equipment, trucks, or conveyor belts.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site via hopper scow or towed scow.

8. *Method of disposal*: Disposal will be carried out by bottom dumping or end dumping.

9. *Total quantity to be disposed of*: Not to exceed 75 000 m³.

10. *Approvals*: The Permittee shall obtain from the permit-issuing office a letter of approval for each loading and disposal activity prior to undertaking the work, and conduct these activities in accordance with the relevant letter of approval.

11. *Fees*: The fee prescribed by the *Disposal at Sea Permit Fee Regulations* shall be paid by the Permittee in accordance with those Regulations.

12. *Inspection*:

12.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

12.2. The Permittee shall ensure that records of all loading and disposal activities are kept on site for the duration of the permit and are available for inspection by any enforcement officer or analyst, for two years following the expiry of the permit.

12.3. Ships operating under the authority of this permit shall carry and display a radar-reflecting device at all times mounted on the highest practical location.

13. *Contractors*:

13.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

13.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

14. *Reporting and notification*:

14.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Environment Canada's Environmental Enforcement Division, Pacific and Yukon Region, 604-666-9059 (fax) or das.pyr@ec.gc.ca (email).

14.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Pacific and Yukon Region, 201-401 Burrard Street, Vancouver, British Columbia V6C 3S5, 604-666-5928 (fax) or das.pyr@ec.gc.ca (email), within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: a list of all work completed pursuant to the permit, including the names of the loading and disposal sites used, the quantity of matter disposed of at the disposal site(s), and the dates on which disposal activities occurred.

14.3. At all times, a copy of this permit and of documents and drawings referenced in this permit shall be available at the loading site and on all powered ships directly engaged in the loading and

disposal operations.

15. *Special precautions:*

15.1. The loading and disposal at sea referred to under this permit shall be carried out in accordance with the mitigation measures and procedures summarized in the document titled "Environmental Assessment Report: Matcon Excavation and Shoring Ltd. — Loading and Disposal at Sea 4543-2-03530" and the associated document titled "Multi-Site Excavation Projects Involving Disposal at Sea: Requests for Letters of Approval — Standard Procedures" (February 2011).

DANIEL WOLFISH
Regional Director
Environmental Protection Operations Directorate
Pacific and Yukon Region
On behalf of the Minister of the Environment

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-06662 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee:* Labrador Choice Seafoods Ltd., Charlottetown, Newfoundland and Labrador.
2. *Waste or other matter to be disposed of:* Fish waste and other organic matter resulting from industrial fish processing operations.
 - 2.1. *Nature of waste or other matter:* Fish waste and other organic matter consisting of fish and shellfish waste.
3. *Duration of permit:* Permit is valid from June 19, 2011, to June 18, 2012.
4. *Loading site(s):* Charlottetown, Newfoundland and Labrador, at approximately 52°46.35' N, 56°07.04' W (NAD83).
5. *Disposal site(s):* Charlottetown, within a 250 m radius of 52°47.60' N, 56°03.56' W (NAD83), at an approximate depth of 50 m.
6. *Method of loading:*
 - 6.1. The Permittee shall ensure that the material is loaded onto floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.
 - 6.2. The Permittee shall ensure that the waste to be disposed of is covered by netting or other material to prevent access by gulls and other marine birds, except during direct loading or disposal of the waste.
 - 6.3. Material loaded for the purpose of disposal at sea may not be held aboard any ship for more than 96 hours from the commencement of loading without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.
 - 6.4. The loading and transit shall be completed in a manner that ensures that no material contaminates the marine environment, notably the harbour and adjacent beaches. The Permittee shall also ensure that the loading sites are cleaned up and, if necessary, that spilled wastes are recovered.
7. *Route to disposal site(s) and method of transport:* Most direct navigational route from the loading site to the disposal site.

8. *Method of disposal:*

8.1. The Permittee shall ensure that the waste to be disposed of is discharged from the equipment or ship while steaming within the disposal site boundaries and in a manner which will promote dispersion.

9. *Total quantity to be disposed of:* Not to exceed 5 000 tonnes.

10. *Inspection:*

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

11. *Contractors:*

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

12. *Reporting and notification:*

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Mr. Rick Wadman, Environmental Protection Operations Directorate, Environment Canada, 6 Bruce Street, Mount Pearl, Newfoundland and Labrador A1N 4T3, 709-772-5097 (fax), rick.wadman@ec.gc.ca (email).

12.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Mr. Rick Wadman, as identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

12.3. This permit shall be displayed in an area of the plant accessible to the public.

I. R. GEOFFREY MERCER
Regional Director
Environmental Protection Operations Directorate
Atlantic Region
On behalf of the Minister of the Environment

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-06672 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee:* Aqua Crab Producers Inc., Calvert, Newfoundland and Labrador.

2. *Waste or other matter to be disposed of:* Fish waste and other organic matter resulting from industrial fish processing operations.

2.1. *Nature of waste or other matter:* Fish waste and other organic matter consisting of fish and shellfish waste.

3. *Duration of permit*: Permit is valid from June 21, 2011, to June 20, 2012.

4. *Loading site(s)*: Aquaforte, Newfoundland and Labrador, at approximately 47°00.40' N, 52°57.41' W (NAD83).

5. *Disposal site(s)*: Aquaforte, within a 250 m radius of 47°00.25' N, 52°56.00' W (NAD83), at an approximate depth of 24 m.

6. *Method of loading*:

6.1. The Permittee shall ensure that the material is loaded onto floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

6.2. The Permittee shall ensure that the waste to be disposed of is covered by netting or other material to prevent access by gulls and other marine birds, except during direct loading or disposal of the waste.

6.3. Material loaded for the purpose of disposal at sea may not be held aboard any ship for more than 96 hours from the commencement of loading without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

6.4. The loading and transit shall be completed in a manner that ensures that no material contaminates the marine environment, notably the harbour and adjacent beaches. The Permittee shall also ensure that the loading sites are cleaned up and, if necessary, that spilled wastes are recovered.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site.

8. *Method of disposal*:

8.1. The Permittee shall ensure that the waste to be disposed of is discharged from the equipment or ship while steaming within the disposal site boundaries and in a manner which will promote dispersion.

9. *Total quantity to be disposed of*: Not to exceed 800 tonnes.

10. *Inspection*:

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

11. *Contractors*:

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

12. *Reporting and notification*:

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Mr. Rick Wadman, Environmental Protection Operations Directorate, Environment Canada, 6 Bruce Street, Mount Pearl, Newfoundland and Labrador A1N 4T3, 709-772-5097 (fax), rick.wadman@ec.gc.ca (email).

12.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Mr. Rick

Wadman, as identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

12.3. This permit shall be displayed in an area of the plant accessible to the public.

I. R. GEOFFREY MERCER
Regional Director
Environmental Protection Operations Directorate
Atlantic Region
On behalf of the Minister of the Environment

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-06674 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee*: Northern Seafoods Ltd., Winterton, Newfoundland and Labrador.
2. *Waste or other matter to be disposed of*: Fish waste and other organic matter resulting from industrial fish processing operations.
 - 2.1. *Nature of waste or other matter*: Fish waste and other organic matter consisting of fish and shellfish waste.
3. *Duration of permit*: Permit is valid from June 19, 2011, to June 18, 2012.
4. *Loading site(s)*: Conche, Newfoundland and Labrador, at approximately 50°53.10' N, 55°53.70' W (NAD83).
5. *Disposal site(s)*: Conche, within a 250 m radius of 50°51.60' N, 55°57.90' W (NAD83), at an approximate depth of 40 m.
6. *Method of loading*:
 - 6.1. The Permittee shall ensure that the material is loaded onto floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.
 - 6.2. The Permittee shall ensure that the waste to be disposed of is covered by netting or other material to prevent access by gulls and other marine birds, except during direct loading or disposal of the waste.
 - 6.3. Material loaded for the purpose of disposal at sea may not be held aboard any ship for more than 96 hours from the commencement of loading without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.
 - 6.4. The loading and transit shall be completed in a manner that ensures that no material contaminates the marine environment, notably the harbour and adjacent beaches. The Permittee shall also ensure that the loading sites are cleaned up and, if necessary, that spilled wastes are recovered.
7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site.
8. *Method of disposal*:
 - 8.1. The Permittee shall ensure that the waste to be disposed of is discharged from the equipment

or ship while steaming within the disposal site boundaries and in a manner which will promote dispersion.

9. *Total quantity to be disposed of:* Not to exceed 200 tonnes.

10. *Inspection:*

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

11. *Contractors:*

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

12. *Reporting and notification:*

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Mr. Rick Wadman, Environmental Protection Operations Directorate, Environment Canada, 6 Bruce Street, Mount Pearl, Newfoundland and Labrador A1N 4T3, 709-772-5097 (fax), rick.wadman@ec.gc.ca (email).

12.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Mr. Rick Wadman, as identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

12.3. This permit shall be displayed in an area of the plant accessible to the public.

I. R. GEOFFREY MERCER
Regional Director
Environmental Protection Operations Directorate
Atlantic Region
On behalf of the Minister of the Environment

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Ministerial Condition No. 16260

Whereas the Minister of the Environment and the Minister of Health have assessed information pertaining to the substance Benzene, 1,1'-(1,2-ethanediyl)bis(2,3,4,5,6-pentabromo)-, Chemical Abstracts Service No. 84852-53-9;

And whereas the ministers suspect that the substance is toxic or capable of becoming toxic,

The Minister of the Environment, pursuant to paragraph 84(1)(a) of the *Canadian Environmental Protection Act, 1999*, hereby permits the manufacture or import of the substance in accordance with the conditions of the following annex.

PETER KENT
Minister of the Environment

ANNEX

Conditions

(Paragraph 84(1)(a) of the *Canadian Environmental Protection Act, 1999*)

1. The following definitions apply in these ministerial conditions:

“notifier” means the person who has, on December 9, 2010, provided to the Minister of the Environment the prescribed information concerning the substance, in accordance with subsection 81(1) of the *Canadian Environmental Protection Act, 1999*.

“substance” means Benzene, 1,1'-(1,2-ethanediyl)bis(2,3,4,5,6-pentabromo)-, Chemical Abstracts Service No. 84852-53-9.

2. The notifier may manufacture or import the substance in accordance with the present ministerial conditions.

Restriction

3. The notifier may import the substance in order to use it only as a flame retardant component of thermoplastic parts, thermoplastic coatings, thermoset parts and thermoset coatings.

4. At least 120 days prior to beginning manufacturing of the substance, the notifier shall inform the Minister of the Environment, in writing, and provide the following information:

(a) the information specified in Schedule 4 to the *New Substances Notification Regulations (Chemicals and Polymers)*;

(b) the information specified in item 8 of Schedule 5 to those Regulations;

(c) the information specified in item 11 of Schedule 6 to those Regulations; and

(d) the following information related to the manufacturing of the substance in Canada:

(i) a brief description of the manufacturing process that details precursors of the substance, reaction stoichiometry, nature (batch or continuous) and scale of the process,

(ii) a flow diagram of the manufacturing process that includes features such as process tanks, holding tanks and distillation towers, and

(iii) a brief description of the major steps in manufacturing operations, the chemical conversions, the points of entry of all feedstock and the points of release of substances, and the processes to eliminate environmental release.

Application

5. Items 6 to 9 do not apply if the substance is imported already compounded into thermoplastic or thermoset material in the form of pellets or flakes.

Restrictions for Returnable Vessels

6. Prior to returning returnable vessels that contained the substance to the supplier, the notifier shall follow the following procedures:

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(b) all residual substance shall be removed from the vessels and collected.

Restrictions for Non-returnable Vessels

7. When disposing of, destroying or reusing non-returnable vessels that contained the substance, the notifier shall follow the following procedures:

(a) the vessels shall be sealed prior to being destroyed or disposed of; or

(b) all residual substance shall be removed from the vessels and collected before the vessels are disposed of, destroyed or reused.

Restrictions for Handling of the Substance

8. When handling the substance, the notifier shall follow the following procedures:

- (a) any handling of the uncontained substance shall be carried out in a confined area with a ventilation system equipped with an air filtration system to capture the substance;
- (b) any spillage of the substance must be collected;
- (c) effluents from the cleaning of the equipment that has been in contact with the substance shall be collected; and
- (d) off-specification formulations containing the substance must be collected.

Disposal Restrictions

9. The substance collected in application of paragraphs 6(b), 7(b) and item 8, and the non-returnable vessels described in paragraph 7(a) must be destroyed or disposed of by:

- (a) incineration in accordance with the laws of the jurisdiction where the disposal facility is located; or
- (b) deposition in a secure landfill, in accordance with the laws of the jurisdiction where the landfill is located.

Environmental Release

10. Where any release of the substance to the environment occurs, measures necessary to prevent any further release and to limit the dispersion of the substance shall be taken. Furthermore, the notifier shall inform the Minister of the Environment immediately by contacting an enforcement officer, designated under the *Canadian Environmental Protection Act, 1999*, of the Environment Canada Regional Office that is closest to where the release occurred.

Record-keeping Requirements

11. (1) The notifier shall maintain electronic or paper records, with any documentation supporting the validity of the information contained in these records, indicating:

- (a) the use of the substance;
- (b) the quantity of the substance that the notifier manufactures, imports, purchases, sells and uses;
- (c) the name and address of each person obtaining the substance from the notifier; and
- (d) the name and address of the person in Canada who has disposed of the substance or of the vessels for the notifier, the method used to do so, and the quantities of the substance or vessels shipped to that person.

(2) The notifier shall maintain electronic or paper records mentioned in subitem (1) at the notifier's principal place of business in Canada for a period of at least five years.

Other Requirements

12. The notifier shall inform all persons who obtain the substance from them, in writing, of the terms of these ministerial conditions. The notifier shall obtain, prior to any transfer of the substance, written confirmation from these persons that they will comply with the terms of these ministerial conditions as if they had been imposed on them. This written confirmation shall be maintained at the notifier's principal place of business in Canada for a period of at least five years.

Coming into Force

13. The present ministerial conditions come into force on May 8, 2011.

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT**CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999**

Notice amending the Notice with respect to reporting of greenhouse gases (GHGs) for 2010

Notice is hereby given, pursuant to subsection 46(1) of the *Canadian Environmental Protection Act, 1999*, that the *Notice with respect to reporting of greenhouse gases (GHGs) for 2010*, published on August 14, 2010, in the *Canada Gazette*, Part I, is amended as set out in Schedule 1.

Enquiries concernin g this notice may be addressed to

Greenhouse Gas Emissions Reporting Program
Environment Canada
Fontaine Building, 8th Floor
200 Sacré-Cœur Boulevard
Gatineau, Quebec
K1A 0H3
Telephone: 819-994-0684
Fax: 819-953-2347
Email: ges-ghg@ec.gc.ca

GEORGE ENEI
Director General
Science and Risk Assessment Directorate
On behalf of the Minister of the Environment

SCHEDULE 1

Amendments

1. The first paragraph of the *Notice with respect to reporting of greenhouse gases (GHGs) for 2010* is replaced by the following:

Notice is hereby given, pursuant to subsection 46(1) of the *Canadian Environmental Protection Act, 1999* (the Act), that, with respect to emissions of GHGs identified in Schedule 1 to this notice and for the purpose of conducting research, creating an inventory of data, formulating objectives and codes of practice, issuing guidelines or assessing or reporting on the state of the environment, any person who operates a facility described in Schedule 3 to this notice during the 2010 calendar year, and who possesses or who may reasonably be expected to have access to information described in Schedule 4 to this notice, shall provide the Minister of the Environment with this information no later than June 17, 2011.

2. The fifth paragraph of the *Notice with respect to reporting of greenhouse gases (GHGs) for 2010* is replaced by the following:

If a person who operates a facility with respect to which information was submitted in response to the *Notice with respect to reporting of greenhouse gases (GHGs) for 2009* determines that the facility does not meet the criteria for reporting set out in this notice, the person shall notify the Minister of the Environment that the facility does not meet these criteria, no later than June 17, 2011.

3. Subsection 1(2) of Schedule 3 of the *Notice with respect to reporting of greenhouse gases (GHGs) for 2010* is replaced by the following:

(2) If the person who operates a facility as described in this Schedule changes during the 2010 calendar year, the person who operates the facility as of December 31, 2010, shall report for the entire 2010 calendar year by June 17, 2011. If operations at a facility are terminated during the 2010 calendar year, the last operator of that facility is required to report for the portion of the 2010 calendar year during which the facility was in operation by June 17, 2011.

EXPLANATORY NOTE

(This note is not part of the notice.)

The amendments are made to reflect that the reporting due date for the 2010 reporting year is changed from June 1, 2011, to June 17, 2011. This change is being made to allow those who are subject to the *Notice with respect to reporting of greenhouse gases (GHGs) for 2010* more time to

comply, because of the delayed launch of the online reporting system for the Greenhouse Gas Emissions Reporting Program (GHGRP).

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice amending the Notice with respect to substances in the National Pollutant Release Inventory for 2010

Notice is hereby given, pursuant to subsection 46(1) of the *Canadian Environmental Protection Act, 1999*, that the *Notice with respect to substances in the National Pollutant Release Inventory for 2010*, published on December 11, 2010, in the *Canada Gazette*, Part I, is amended as set out in Schedule 1.

Enquiries concerning this notice may be addressed to

National Pollutant Release Inventory
Environment Canada
Fontaine Building
200 Sacré-Cœur Boulevard
Gatineau, Quebec
K1A 0H3
Telephone: 1-877-877-8375
Fax: 819-953-2347
Email: INRP-NPRI@ec.gc.ca

GEORGE ENEI
Director General
Science and Risk Assessment Directorate
On behalf of the Minister of the Environment

SCHEDULE 1

Amendments

1. The first paragraph of the *Notice with respect to substances in the National Pollutant Release Inventory for 2010* is replaced by the following:

Notice is hereby given, pursuant to subsection 46(1) of the *Canadian Environmental Protection Act, 1999*, that for the purpose of conducting research, creating an inventory of data, formulating objectives and codes of practice, issuing guidelines or assessing or reporting on the state of the environment, any person who owns or operates a facility described in Schedule 3 to this notice, and who possesses or who may reasonably be expected to have access to information described in Schedule 4, shall provide the Minister of the Environment with this information no later than June 17, 2011, 11:59 p.m. Eastern Daylight Time.

2. The third paragraph of the *Notice with respect to substances in the National Pollutant Release Inventory for 2010* is replaced by the following:

If a person who owns or operates a facility, with respect to which information pertaining to at least one substance was submitted in response to the *Notice with respect to substances in the National Pollutant Release Inventory for 2009*, determines that the facility does not meet any of the criteria for reporting set out in this notice, the person shall notify the Minister of the Environment that the facility does not meet these criteria no later than June 17, 2011.

EXPLANATORY NOTE

(This note is not part of the notice.)

The amendments are made to reflect that the reporting due date for the 2010 reporting year is changed from June 1, 2011, to June 17, 2011. This change is being made to allow those who are

subject to the *Notice with respect to substances in the National Pollutant Release Inventory for 2010* more time to comply, because of the delayed launch of the online reporting system for the National Pollutant Release Inventory (NPRI).

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Order 2011-87-04-02 Amending the Non-domestic Substance List

Whereas, pursuant to subsections 87(1) and (5) of the *Canadian Environmental Protection Act, 1999* ([see footnote a](#)), the Minister of the Environment has added the substances referred to in the annexed Order to the *Domestic Substances List* ([see footnote b](#));

Therefore, the Minister of the Environment, pursuant to subsections 87(1) and (5) of the *Canadian Environmental Protection Act, 1999* ([see footnote c](#)), hereby makes the annexed *Order 2011-87-04-02 Amending the Non-domestic Substances List*.

Gatineau, May 2, 2011

PETER KENT
Minister of the Environment

ORDER 2011-87-04-02 AMENDING THE NON-DOMESTIC SUBSTANCES LIST

AMENDMENT

1. Part I of the *Non-domestic Substances List* ([see footnote 1](#)) is amended by deleting the following:

21351-39-3
25037-78-9
35176-76-2
68413-19-4
183815-54-5

COMING INTO FORCE

2. This Order comes into force on the day on which *Order 2011-87-04-03 Amending the Domestic Substances List* comes into force.

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Significant New Activity Notice No. 16266

Significant New Activity Notice

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

Whereas the Minister of the Environment and the Minister of Health have assessed information in respect of the 2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl ester, telomer with 1-dodecanethiol and octadecyl 2-propenoate, under section 83 of the *Canadian Environmental Protection Act, 1999*;

Whereas the substance is not specified on the *Domestic Substances List*;

And whereas the Ministers suspect that a significant new activity in relation to the substance may result in the substance becoming toxic within the meaning of section 64 of the *Canadian Environmental Protection Act, 1999*,

Therefore, the Minister of the Environment indicates, pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*, that subsection 81(4) of that Act applies to the substance in accordance with the Annex.

PETER KENT
Minister of the Environment

ANNEX

Information Requirements

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

1. In relation to the substance 2-Propenoic acid, 2-methyl-, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl ester, telomer with 1-dodecanethiol and octadecyl 2-propenoate, a significant new activity is the use of the substance in consumer products including aerosol and spray-applied protection products.
2. The following information must be provided to the Minister, at least 90 days before the commencement of each proposed significant new activity:
 - (a) a description of the proposed significant new activity in relation to the substance;
 - (b) the information specified in Schedule 9 to the *New Substances Notification Regulations (Chemicals and Polymers)*;
 - (c) the information specified in item 5 of Schedule 10 to those Regulations;
 - (d) for applications involving spraying of the substance by consumers or in dwellings:
 - (i) the test data and a test report of a 90-day inhalation study in rats on 6:2 Fluorotelomer alcohol, conducted according to the methodology described in the Organisation for Economic Co-operation and Development (OECD) Test Guideline No. 413 titled *Subchronic Inhalation Toxicity: 90-day Study*, and in conformity with the *OECD Principles of Good Laboratory Practice (GLP)* set out in Annex 2 of the *Decision of the Council Concerning the Mutual Acceptance of Data in the Assessment of Chemicals*, adopted on May 12, 1981, and where both the OECD Test Guideline and principles of GLP are current at the time the test data are developed, or
 - (ii) any other equivalent study or information, which will permit assessment of the subchronic inhalation toxicity of 6:2 Fluorotelomer alcohol; and
 - (e) all other information or test data concerning the substance that are in the possession of the person who intends to use the substance for the proposed significant new activity, or to which they have access, and that are relevant to determining whether the substance is toxic or capable of becoming toxic, including information or test data that are relevant to determining the subchronic inhalation toxicity of the fluorotelomer-based degradation products of the substance.
3. The above information will be assessed within 90 days after the day on which it is received by the Minister.

EXPLANATORY NOTE

(This explanatory note is not part of the Significant New Activity Notice.)

A Significant New Activity Notice is a legal instrument issued by the Minister of the Environment pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*. The Significant New Activity Notice sets out the appropriate information that must be provided to the Minister for assessment prior to the commencement of a new activity as described in the Notice.

Substances that are not listed on the *Domestic Substances List* can be manufactured or imported only by the person who has met the requirements set out in section 81 of the *Canadian Environmental Protection Act, 1999*. Under section 86 of the *Canadian Environmental Protection Act, 1999*, in circumstances where a Significant New Activity Notice is issued for a new substance, it is the responsibility of every person who transfers the physical possession or control of the substance to notify all persons to whom the possession or control is transferred of the obligation to

comply with the Significant New Activity Notice and of the obligation to notify the Minister of the Environment of any new activity and all other information as described in the Notice. It is the responsibility of the users of the substance to be aware of and comply with the Significant New Activity Notice and to submit a Significant New Activity notification to the Minister prior to the commencement of a significant new activity associated with the substance. However, as mentioned in subsection 81(6) of the *Canadian Environmental Protection Act, 1999*, a Significant New Activity notification is not required when the proposed new activity is regulated under an act or regulations listed on Schedule 2 to the *Canadian Environmental Protection Act, 1999*.

A Significant New Activity Notice does not constitute an endorsement from Environment Canada or the Government of Canada of the substance to which it relates, or an exemption from any other laws or regulations that are in force in Canada and that may apply to this substance or activities involving the substance.

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Significant New Activity Notice No. 16277

Significant New Activity Notice

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

Whereas the Minister of the Environment and the Minister of Health have assessed information in respect of the substance Cyclohexane, bis(isocyanatomethyl)- homopolymer, Chemical Abstracts Service Registry No. 216173-24-9, under section 83 of the *Canadian Environmental Protection Act, 1999*;

Whereas the substance is not specified on the *Domestic Substances List*;

And whereas the Ministers suspect that a significant new activity in relation to the substance may result in the substance becoming toxic within the meaning of section 64 of the *Canadian Environmental Protection Act, 1999*,

Therefore, the Minister of the Environment indicates, pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*, that subsection 81(4) of that Act applies to the substance in accordance with the Annex.

PETER KENT
Minister of the Environment

ANNEX

Information Requirements

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

1. In relation to the substance Cyclohexane, bis(isocyanatomethyl)- homopolymer, a significant new activity is the use of the uncured substance, at a concentration greater than 0.005%, in a product intended for consumer application.

2. The following information must be provided to the Minister at least 90 days before the commencement of each significant new activity:

- (a) a description of the proposed significant new activity in relation to the substance;
 - (b) the information specified in Schedule 9 to the *New Substances Notification Regulations (Chemicals and Polymers)*;
 - (c) the information specified in item 5 of Schedule 10 to those Regulations;
 - (d) the concentration of the substance in the product intended for consumer application;
- and

(e) any other information or data in respect of this substance in the person's possession or to which they have access that is relevant in order to determine whether the substance is toxic or capable of becoming toxic, including information providing dermal sensitization potential in humans in respect of the substance, at any concentration.

3. The above information will be assessed within 90 days after the day on which it is received by the Minister.

EXPLANATORY NOTE

(This explanatory note is not part of the Significant New Activity Notice.)

A Significant New Activity Notice is a legal instrument issued by the Minister of the Environment pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*. The Significant New Activity Notice sets out the appropriate information that must be provided to the Minister for assessment prior to the commencement of a new activity as described in the Notice.

Substances that are not listed on the *Domestic Substances List* can be manufactured or imported only by the person who has met the requirements set out in section 81 of the *Canadian Environmental Protection Act, 1999*. Under section 86 of the *Canadian Environmental Protection Act, 1999*, in circumstances where a Significant New Activity Notice is issued for a new substance, it is the responsibility of every person who transfers the physical possession or control of the substance to notify all persons to whom the possession or control is transferred of the obligation to comply with the Significant New Activity Notice and of the obligation to notify the Minister of the Environment of any new activity and all other information as described in the Notice. It is the responsibility of the users of the substance to be aware of and comply with the Significant New Activity Notice and to submit a Significant New Activity notification to the Minister prior to the commencement of a significant new activity associated with the substance. However, as mentioned in subsection 81(6) of the *Canadian Environmental Protection Act, 1999*, a Significant New Activity notification is not required when the proposed new activity is regulated under an act or regulations listed on Schedule 2 to the *Canadian Environmental Protection Act, 1999*.

A Significant New Activity Notice does not constitute an endorsement from Environment Canada or the Government of Canada of the substance to which it relates, or an exemption from any other laws or regulations that are in force in Canada and that may apply to this substance or activities involving the substance.

[20-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Significant New Activity Notice No. 16278

Significant New Activity Notice

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

Whereas the Minister of the Environment and the Minister of Health have assessed information in respect of the substance Cyclohexane, 1,3-bis(isocyanatomethyl)-, polymer with 1,4-bis(isocyanatomethyl)cyclohexane, Chemical Abstracts Service Registry No. 1253391-53-5, under section 83 of the *Canadian Environmental Protection Act, 1999*;

Whereas the substance is not specified on the *Domestic Substances List*;

And whereas the Ministers suspect that a significant new activity in relation to the substance may result in the substance becoming toxic within the meaning of section 64 of the *Canadian Environmental Protection Act, 1999*,

Therefore, the Minister of the Environment indicates, pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*, that subsection 81(4) of that Act applies to the substance in accordance with the Annex.

ANNEX

Information Requirements

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

1. In relation to the substance Cyclohexane, 1,3-bis (isocyanatomethyl)-, polymer with 1,4-bis(isocyanatomethyl) cyclohexane, a significant new activity is the use of the uncured substance, at a concentration greater than 0.005%, in a product intended for consumer application.

2. The following information must be provided to the Minister at least 90 days before the commencement of each significant new activity:

- (a) a description of the proposed significant new activity in relation to the substance;
- (b) the information specified in Schedule 9 to the *New Substances Notification Regulations (Chemicals and Polymers)*;
- (c) the information specified in item 5 of Schedule 10 to those Regulations;
- (d) the concentration of the substance in the product intended for consumer application; and
- (e) any other information or data in respect of this substance in the person's possession or to which they have access that is relevant in order to determine whether the substance is toxic or capable of becoming toxic, including information providing dermal sensitization potential in humans in respect of the substance, at any concentration.

3. The above information will be assessed within 90 days after the day on which it is received by the Minister.

EXPLANATORY NOTE

(This explanatory note is not part of the Significant New Activity Notice.)

A Significant New Activity Notice is a legal instrument issued by the Minister of the Environment pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*. The Significant New Activity Notice sets out the appropriate information that must be provided to the Minister for assessment prior to the commencement of a new activity as described in the Notice.

Substances that are not listed on the *Domestic Substances List* can be manufactured or imported only by the person who has met the requirements set out in section 81 of the *Canadian Environmental Protection Act, 1999*. Under section 86 of the *Canadian Environmental Protection Act, 1999*, in circumstances where a Significant New Activity Notice is issued for a new substance, it is the responsibility of every person who transfers the physical possession or control of the substance to notify all persons to whom the possession or control is transferred of the obligation to comply with the Significant New Activity Notice and of the obligation to notify the Minister of the Environment of any new activity and all other information as described in the Notice. It is the responsibility of the users of the substance to be aware of and comply with the Significant New Activity Notice and to submit a Significant New Activity notification to the Minister prior to the commencement of a significant new activity associated with the substance. However, as mentioned in subsection 81(6) of the *Canadian Environmental Protection Act, 1999*, a Significant New Activity notification is not required when the proposed new activity is regulated under an act or regulations listed on Schedule 2 to the *Canadian Environmental Protection Act, 1999*.

A Significant New Activity Notice does not constitute an endorsement from Environment Canada or the Government of Canada of the substance to which it relates, or an exemption from any other laws or regulations that are in force in Canada and that may apply to this substance or activities involving the substance.

[20-1-o]

DEPARTMENT OF TRANSPORT

AERONAUTICS ACT

Interim Order No. 3 Respecting Private Operators

Whereas the annexed *Interim Order No. 3 Respecting Private Operators* is required to deal with a significant risk, direct or indirect, to aviation safety or the safety of the public;

Whereas the provisions of the annexed *Interim Order No. 3 Respecting Private Operators* may be contained in a regulation made pursuant to section 4.9 ([see footnote d](#)), paragraphs 7.6(1)(a) ([see footnote e](#)) and (b) ([see footnote f](#)) and section 7.7 ([see footnote g](#)) of Part I of the *Aeronautics Act* ([see footnote h](#));

And whereas, pursuant to subsection 6.41(1.2) ([see footnote i](#)) of the *Aeronautics Act* ([see footnote j](#)), the Minister of Transport has consulted with the persons and organizations that the Minister considers appropriate in the circumstances concerning the annexed *Interim Order No. 3 Respecting Private Operators*;

Therefore, the Minister of Transport, pursuant to subsection 6.41(1) ([see footnote k](#)) of the *Aeronautics Act* ([see footnote l](#)), hereby makes the annexed *Interim Order No. 3 Respecting Private Operators*.

Ottawa, April 21, 2011

CHUCK STRAHL
Minister of Transport

INTERIM ORDER NO. 3 RESPECTING PRIVATE OPERATORS

INTERPRETATION

Definitions

“Regulations” « *Règlement* »

1. (1) The following definitions apply in this Interim Order.

“private operator” « *exploitant privé* »

“private operator”, despite the definition in subsection 101.01(1) of the Regulations, means the holder of a temporary private operator certificate issued under Schedule 1.

“Regulations” « *Règlement* »

“Regulations” means the *Canadian Aviation Regulations*.

Terminology

(2) Unless the context requires otherwise, all other words and expressions in this Interim Order have the same meaning as in the Regulations.

Schedules 1 and 2

(3) Schedules 1 and 2 are considered to be part of the Regulations, with any necessary modifications.

Conflict between Interim Order and Regulations

(4) In the event of a conflict between this Interim Order and the Regulations, the Interim Order prevails.

DESIGNATED PROVISIONS

Suspension

2. (1) The effect of Subpart 4 of Part VI of Schedule II to Subpart 3 of Part I of the Regulations is suspended.

Designation

(2) The designated provisions set out in column I of Schedule 2 are designated as provisions the contravention of which may be dealt with under and in accordance with the procedure set out in sections 7.7 to 8.2 of the Act.

Maximum amounts

(3) The amounts set out in column II of Schedule 2 are the maximum amounts payable in respect of a contravention of the designated provisions set out in column I.

Notice

(4) A notice referred to in subsection 7.7(1) of the Act must be in writing and must specify

- (a) the particulars of the alleged contravention;
- (b) that the person on whom the notice is served or to whom it is sent has the option of paying the amount specified in the notice or filing with the Tribunal a request for a review of the alleged contravention or the amount of the penalty;
- (c) that payment of the amount specified in the notice will be accepted by the Minister in satisfaction of the amount of the penalty for the alleged contravention and that no further proceedings under Part I of the Act will be taken against the person on whom the notice in respect of that contravention is served or to whom it is sent;
- (d) that the person on whom the notice is served or to whom it is sent will be provided with an opportunity consistent with procedural fairness and natural justice to present evidence before the Tribunal and make representations in relation to the alleged contravention if the person files a request for a review with the Tribunal; and
- (e) that the person on whom the notice is served or to whom it is sent will be considered to have committed the contravention set out in the notice if the person fails to pay the amount specified in the notice and fails to file a request for a review with the Tribunal within the prescribed period.

SUSPENDED PROVISIONS OF THE REGULATIONS

Subparagraph 401.05(3)(d)(i) of the Regulations

3. (1) The effect of subparagraph 401.05(3)(d)(i) of the Regulations is suspended.

Subpart 4 of Part VI of the Regulations

(2) The effect of Subpart 4 of Part VI of the Regulations is suspended and Schedule 1 applies.

REPEAL

4. *Interim Order No. 2 Respecting Private Operators* is repealed.

SCHEDULE 1

(Subsections 1(1) and (3) and 3(2))

SUBPART 4 — PRIVATE OPERATORS

Division I — Temporary Private Operator Certificate

Interpretation

604.01 (1) The following definitions apply in this Subpart.

“Association” means the Canadian Business Aviation Association. (*Association*)

“main base” means a location at which a private operator has personnel, aircraft and facilities for its operations and that is established as the principal place of business of the private operator. (*base principale*)

“PBN Manual” means ICAO Document 9613, entitled *Performance-based Navigation (PBN) Manual*,

Third Edition, 2008. (*manuel PBN*)

“*Restricted Canada Air Pilot*” means an aeronautical information publication, published under the authority of the Minister, that contains information on restricted instrument procedures for air operators, private operators, flight training unit operators and the Department of National Defence. (*Canada Air Pilot restreint*)

“sub-base” means a location at which a private operator positions aircraft and personnel and from which operational control is exercised in accordance with the private operator’s operational control system. (*base secondaire*)

“type of operation” means a day or night VFR or IFR operation. (*type de vols*)

(2) For the purpose of interpreting a document incorporated by reference into this Subpart, “should” and “must” shall be read to mean “shall”.

Application

604.02 (1) Subject to subsection (2), this Subpart applies in respect of a Canadian aircraft that is not operated in a commercial air service.

(2) This Subpart does not apply to an air operator that operates an aircraft in compliance with the requirements of Part VII if the aircraft is not operated as a commercial air service.

Prohibition

604.03 No person shall, without a temporary private operator certificate issued under section 604.05, operate any of the following Canadian aircraft for the purpose of transporting passengers or goods:

- (a) a turbo-jet aeroplane; or
- (b) a large aeroplane.

Application for Issuance of a Temporary Private Operator Certificate

604.04 An application for the issuance of a temporary private operator certificate shall contain the following information:

- (a) the applicant’s legal name and its trade name, if any;
- (b) the applicant’s contact information;
- (c) the location of the applicant’s main base and its sub-bases, if any;
- (d) a copy of the private operator certificate issued to the applicant by the Association and any operations specification set out in the certificate;
- (e) any request for an operations specification authorizing the conduct of an operation referred to in Division IV or authorized by the Minister under that Division;
- (f) the aircraft type, registration mark and serial number of each aircraft to be operated; and
- (g) a copy of the private operator’s operations manual established for compliance with the private operator certificate issued by the Association.

Conditions of Issuance of a Temporary Private Operator Certificate

604.05 The Minister shall, on receipt of an application referred to in subsection 604.04, issue a temporary private operator certificate if the applicant demonstrates to the Minister that

- (a) the applicant is the holder of a private operator certificate issued by the Association;
- (b) the applicant complies with every condition specified in the certificate referred to in paragraph (a);
- (c) the applicant is the registered owner of every aircraft that the applicant operates;
- (d) every aircraft referred to in paragraph (c) is equipped for the area of operation and the type of operation;

(e) the applicant has crew members who are qualified for the area of operation and the type of operation;

(f) the applicant has personnel exercising the functions associated with the following positions:

- (i) operations manager,
- (ii) chief pilot, and
- (iii) maintenance manager, if the applicant does not hold an approved maintenance organization (AMO) certificate;

(g) the applicant has a maintenance control system that meets the requirements of section 604.49; and

(h) the applicant is able to meet the requirements set out in Division IV in respect of an operations specification for which the applicant has made an application.

Application to Amend a Temporary Private Operator Certificate

604.06 A private operator shall submit an application to the Minister to amend its temporary private operator certificate if it intends to

- (a) change its legal name or trade name;
- (b) change its contact information;
- (c) change the location of its main base or a sub-base;
- (d) commence the operation of an aircraft that is not specified on the certificate;
- (e) discontinue the operation of an aircraft that is specified on the certificate;
- (f) commence the operation of an aircraft in accordance with an operations specification referred to in Division IV; or
- (g) discontinue the operation of an aircraft in accordance with an operations specification referred to in Division IV.

Amendment of a Temporary Private Operator Certificate

604.07 The Minister shall, on receipt of an application referred to in section 604.06, issue an amended temporary private operator certificate if the applicant

- (a) in the case of a change referred to in paragraph 604.06(a), (b), (c), (e) or (g), provides the Minister with a description of the change;
- (b) in the case of a change referred to in paragraph 604.06(d), provides the Minister with proof that

- (i) the applicant is the registered owner of the aircraft and the aircraft is equipped for the area of operation and the type of operation,
- (ii) the applicant has crew members who are qualified for the area of operation and the type of operation,
- (iii) the applicant has personnel exercising the functions associated with the following positions:

- (A) operations manager,
- (B) chief pilot, and
- (C) maintenance manager, if the applicant does not hold an approved maintenance organization (AMO) certificate, and

(iv) the applicant has a maintenance control system that meets the requirements of section 604.49; or

(c) in the case of a change referred to in paragraph 604.06(f), demonstrates to the Minister that the applicant is able to meet the requirements set out in Division IV.

Changes in Information Provided in an Application

604.08 A private operator shall notify the Minister of any change in the information contained in an application made under section 604.04 or 604.06 within five days after the day of the change.

Amendment of Private Operator's Operations Manual

604.09 A private operator shall provide the Minister with a copy of its amended operations manual within five days after the day of the amendment.

Duties of a Private Operator

604.10 (1) A private operator shall

- (a) appoint an operations manager, a chief pilot and a maintenance manager;
- (b) ensure that no person is appointed to a position under paragraph (a) or remains in that position if, at the time of the person's appointment or during their tenure, the person has a record of conviction for
 - (i) an offence under section 7.3 of the Act, or
 - (ii) two or more offences under the Regulations or this Interim Order not arising from a single occurrence;
- (c) provide the operations manager and the maintenance manager with the financial and human resources necessary to ensure that the private operator meets the requirements of the Regulations and this Interim Order; and
- (d) authorize the maintenance manager to remove any aircraft from operation if the removal is justified because of non-compliance with the requirements of the Regulations or this Interim Order or because of a risk to the safety of the aircraft, persons or property.

(2) If the private operator holds an approved maintenance organization (AMO) certificate, the maintenance manager appointed under paragraph (1)(a) shall be the person responsible for maintenance appointed under paragraph 573.03(1)(a) of the Regulations.

Division II — Flight Operations

Operational Control System

604.11 (1) A private operator shall establish an operational control system that meets the requirements of the private operator's operations and that is appropriate to the complexity of those operations and the area of operations.

(2) The operational control system shall include procedures for ensuring that

- (a) all operational requirements specified in this Subpart have been met;
- (b) each aircraft is operated within the weight and balance limits specified in the aircraft flight manual;
- (c) the names of the persons on board an aircraft are recorded by the private operator; and
- (d) search and rescue authorities are notified in a timely manner if an aircraft is overdue or missing.

(3) The operational control system shall, at a minimum, include a pilot's self-dispatch policy that

- (a) specifies flight planning requirements; and
- (b) specifies the time that a flight crew member must inform the private operator of an aircraft's departure and arrival, and the associated procedures for confirming the safe arrival of an aircraft at an unattended aerodrome during a VFR operation or when an IFR flight plan has been cancelled prior to landing.

(4) For the purposes of subsection (3), "pilot's self-dispatch" has the same meaning as in subsection 400.01(1) of the Regulations.

(5) Documentation related to the operational control of a flight shall be retained by the private

operator for at least 180 days following the day on which the flight occurs.

Instrument Approaches — Landing

604.12 No person shall terminate an instrument approach with a landing unless, immediately before landing, the pilot-in-command ascertains, by means of radio communication or visual inspection,

- (a) the condition of the runway or surface of intended landing; and
- (b) the wind direction and speed.

Division III — Flight Operations — Documents

Checklist

604.13 (1) A private operator shall provide every crew member, at his or her duty station, with the checklist referred to in paragraph 602.60(1)(a) of the Regulations, or with the part of that checklist that is necessary for the performance of the crew member's duties.

(2) Every crew member shall follow the checklist, or the part of the checklist referred to in subsection (1), in the performance of his or her duties.

Aircraft Operating Manual and Standard Operating Procedures

604.14 (1) A private operator may establish an aircraft operating manual for the operation of its aircraft.

(2) An aircraft operating manual shall meet the following requirements:

- (a) it shall contain aircraft operating procedures that are consistent with those contained in the aircraft flight manual;
- (b) it shall contain, if the aircraft flight manual is not carried on board the aircraft, the aircraft performance data and limitations specified in that manual, and shall clearly identify them as aircraft flight manual requirements;
- (c) it shall contain the private operator's standard operating procedures, if any; and
- (d) it shall identify the aircraft to which it relates.

Operational Flight Data Sheet

604.15 (1) No person shall conduct a take-off in an aircraft that is specified in a temporary private operator certificate unless an operational flight data sheet containing the following information is prepared:

- (a) the date of the flight;
- (b) the aircraft's nationality mark and registration mark;
- (c) the name of the pilot-in-command;
- (d) the departure aerodrome;
- (e) the scheduled destination aerodrome;
- (f) the alternate aerodrome, if any;
- (g) the estimated flight time;
- (h) the fuel endurance;
- (i) the weight of the fuel on board the aircraft;
- (j) the zero fuel weight of the aircraft;
- (k) the take-off weight of the aircraft;
- (l) the number of persons on board the aircraft;
- (m) the proposed time of departure; and
- (n) the estimated time of arrival.

(2) The pilot-in-command of the aircraft referred to in subsection (1) shall, on completion of the flight, record on the operational flight data sheet the flight time, time of departure, time of arrival

and aerodrome of arrival.

(3) The private operator shall retain a copy of the operational flight data sheet and the information provided under subsection (2) for at least 180 days.

Division IV — Flight Operations — Operations Specifications

Minimum Performance Capability of Long-Range Navigation Systems

604.16 (1) For the purposes of this Division, a long-range navigation system has the following performance capabilities

- (a) the standard deviation of the lateral track deviations is less than 6.3 nautical miles;
- (b) the proportion of the total flight time that is spent by the aircraft at a distance of 30 or more nautical miles from the cleared track is less than 5.3×10^{-4} ; and
- (c) the proportion of the total flight time that is spent by the aircraft at a distance of 50 to 70 nautical miles from the cleared track is less than 1.3×10^{-4} .

(2) For the purposes of section 604.24, a GPS receiver is considered to be a long-range navigation system if it is installed in accordance with the requirements of Advisory Circular 20-138B, entitled *Airworthiness Approval of Positioning and Navigation Systems*, dated September 27, 2010 and published by the Federal Aviation Administration.

No Alternate Aerodrome — IFR Flight

604.17 (1) For the purposes of section 602.122 of the Regulations, a person may conduct an IFR flight where an alternate aerodrome has not been designated in the IFR flight plan or in the IFR flight itinerary if

- (a) the estimated flight time is not more than six hours and the departure aerodrome is located in North America, Bermuda or the Caribbean islands;
- (b) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;
- (c) the forecast or reported weather at the destination aerodrome, from one hour before until one hour after the estimated time of arrival, does not include
 - (i) conditions, including fog or precipitation, that restrict flight visibility to less than three miles,
 - (ii) a thunderstorm,
 - (iii) a ceiling of less than 1,000 feet above the FAF altitude and a ground visibility of less than three miles,
 - (iv) a ceiling of less than 1,500 feet above the minimum descent altitude and a ground visibility of less than six miles, or
 - (v) freezing rain, freezing drizzle or sleet;
- (d) in the case of an aeroplane, the scheduled destination aerodrome
 - (i) has at least two runways that are
 - (A) operational,
 - (B) separate and not reciprocal directions of the same runway, and
 - (C) suitable for the aeroplane on the basis of the aircraft operating procedures, the aircraft performance data and limitations specified in the aircraft flight manual and the factors that affect the performance of the aeroplane, such as atmospheric and surface conditions, and
 - (ii) is equipped with an emergency electrical power supply to operate the equipment and facilities essential for a safe landing of the aeroplane in the event of a failure of the main electrical power supply; and
- (e) the private operator's operations manual contains procedures to ensure that

(i) the pilot-in-command

- (A) monitors throughout the flight the weather at the destination aerodrome and at potential alternate aerodromes,
- (B) identifies other destination aerodromes or alternate aerodromes if the requirements of paragraph (c) or (d) are no longer met, and
- (C) amends the flight plan accordingly, and

(ii) the private operator meets the requirements of paragraph (b) and this paragraph.

(2) If the requirements of paragraphs (1)(a) to (e) are met, and regardless of the departure aerodrome, the pilot-in-command of an aircraft on a flight to a destination aerodrome in Canada may file a new IFR flight plan or a new IFR flight itinerary that does not include an alternate aerodrome when the aircraft is within six hours' flight time of the scheduled destination aerodrome.

Take-off Minima

604.18 For the purposes of paragraph 602.126(1)(b) of the Regulations

(a) a person may conduct a take-off in an aircraft when the reported RVR is at least 1,200 feet or the reported ground visibility is at least one quarter of a statute mile, up to the minimum visibility for take-off specified in the *Canada Air Pilot*, if

(i) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate,

(ii) every flight crew member on board the aircraft has received training in

- (A) take-off alternate aerodrome requirements,
- (B) pilot-in-command experience requirements,
- (C) pilot-in-command responsibility for visibility and obstacle clearance requirements, and
- (D) minimum aircraft and runway equipment requirements,

(iii) the pilot-in-command

- (A) identifies any obstructions in the take-off path,
- (B) determines — using the aircraft performance data and limitations specified in the aircraft flight manual — that the aircraft is, with the critical engine inoperative, able to

(I) safely clear those obstructions, and

(II) maintain at least the minimum enroute altitude to the take-off alternate aerodrome, and

(C) is satisfied that the RVR is at least 1,200 feet or the ground visibility is at least one quarter of a statute mile,

(iv) the runway is equipped with serviceable and functioning high-intensity runway lights, runway centre line lights or runway centre line markings that are visible to the pilot throughout the take-off run,

(v) the pilot-in-command and second-in-command attitude indicators provide a clear depiction of total aircraft attitude that includes the incorporation of pitch attitude index lines in appropriate increments up to 15° above and 15° below the reference line,

(vi) failure warning systems to immediately detect failures and malfunctions in attitude indicators, directional gyros and horizontal situation indicators are operative,

(vii) every flight crew member on board the aircraft has demonstrated to the Minister the ability to operate the aircraft in accordance with this paragraph, and

(viii) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section; and

(b) a person may conduct a take-off in an aircraft when the reported RVR is at least 600 feet but less than 1,200 feet if

- (i) the private operator responsible for the aircraft is authorized to do so in its temporary operator certificate,
- (ii) every flight crew member on board the aircraft has received the following training:
 - (A) ground training in
 - (I) take-off alternate aerodrome requirements,
 - (II) pilot-in-command experience requirements,
 - (III) pilot-in-command responsibility for visibility and obstacle clearance requirements, and
 - (IV) minimum aircraft and runway equipment requirements, and
 - (B) full flight simulator training that includes
 - (I) one completed take-off at an RVR that is at least 600 feet but less than 1,200 feet, and
 - (II) one rejected take-off, at an RVR that is at least 600 feet but less than 1,200 feet, that includes an engine failure,
- (iii) the pilot-in-command
 - (A) identifies any obstructions in the take-off path,
 - (B) determines — using the aircraft performance data and limitations specified in the aircraft flight manual — that the aircraft is, with the critical engine inoperative, able to
 - (I) safely clear those obstructions, and
 - (II) maintain at least the minimum enroute altitude to the take-off alternate aerodrome, and
 - (C) is satisfied that the RVR is at least 600 feet but less than 1,200 feet,
- (iv) the runway is equipped with
 - (A) serviceable and functioning high-intensity runway lights, runway centre line lights and runway centre line markings that are visible to the pilot throughout the take-off run, and
 - (B) two RVR sensors that each show an RVR of at least 600 feet but less than 1,200 feet, one of which is situated at the approach end of the runway and the other at
 - (I) the mid-point of the runway, or
 - (II) the departure end of the runway, if the runway is equipped with three RVR sensors and the sensor situated at the mid-point is not serviceable,
- (v) the pilot-in-command and second-in-command attitude indicators provide a clear depiction of total aircraft attitude that includes the incorporation of pitch attitude index lines in appropriate increments up to 15° above and 15° below the reference line,
- (vi) failure warning systems to immediately detect failures and malfunctions in attitude indicators, directional gyros and horizontal situation indicators are operative,
- (vii) every flight crew member on board the aircraft has demonstrated to the Minister the ability to operate the aircraft in accordance with this paragraph, and
- (viii) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

604.19 No person shall operate an aircraft on a high level fixed RNAV route in required navigation performance capability (RNP) airspace unless

- (a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;
- (b) every flight crew member on board the aircraft has received training in
 - (i) normal operating procedures, including navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,
 - (ii) the method of monitoring and cross-checking the navigation system that is coupled to the auto-pilot,
 - (iii) the action to take in the event of a discrepancy between navigation systems and the method of determining which is the most accurate or reliable system,
 - (iv) the contingency procedures for RNP airspace,
 - (v) the action to take in the event of the failure of one or more navigation systems,
 - (vi) the procedure for manually updating navigation systems,
 - (vii) airborne emergency procedures, including re-alignment, if applicable,
 - (viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and
 - (ix) RNAV systems;
- (c) the aircraft is equipped with at least two independent navigation systems, one of which is a long-range navigation system; and
- (d) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

CMNPS and RNP Airspace

604.20 No person shall operate an aircraft in Canadian minimum navigation performance specification (CMNPS) or required navigation performance capability (RNP) airspace unless

- (a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;
- (b) every flight crew member on board the aircraft has received training in
 - (i) normal operating procedures, including long-range navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,
 - (ii) the method of monitoring and cross-checking the long-range navigation system that is coupled to the auto-pilot,
 - (iii) the action to take in the event of a discrepancy between long-range navigation systems, and the method of determining which is the most accurate or reliable system,
 - (iv) the contingency procedures for CMNPS airspace or RNP airspace, as applicable,
 - (v) the action to take in the event of the failure of one or more long-range navigation systems,
 - (vi) the procedure for manually updating long-range navigation systems,
 - (vii) airborne emergency procedures, including re-alignment, if applicable,
 - (viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and
 - (ix) RNAV systems;
- (c) the aircraft is equipped with at least two independent long-range navigation systems or is operated as follows:
 - (i) in the case of an aircraft equipped only with the radio navigation equipment referred to in paragraph 605.18(j) of the Regulations, it is operated only on high level airways, and

(ii) in the case of an aircraft equipped with at least two independent navigation systems, one of which is a long-range navigation system, it is operated only in RNP airspace on

- (A) high level fixed RNAV routes,
- (B) direct routes that begin and end within the reception range of ground-based navigation aids, or
- (C) high level airways; and

(d) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

NAT-MNPS Airspace

604.21 (1) No person shall operate an aircraft in North Atlantic minimum navigation performance specification (NAT-MNPS) airspace in accordance with NAT-MNPS separation criteria unless

- (a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;
- (b) every flight crew member on board the aircraft has received training in
 - (i) normal operating procedures, including long-range navigation system pre-flight data entry and periodic cross-checking of the system position display against the aircraft position,
 - (ii) the method of monitoring and cross-checking the long-range navigation system that is coupled to the auto-pilot,
 - (iii) the action to take in the event of a discrepancy between long-range navigation systems, and the method of determining which is the most accurate or reliable system,
 - (iv) the contingency procedures for NAT-MNPS airspace,
 - (v) the action to take in the event of the failure of one or more long-range navigation systems,
 - (vi) the procedure for manually updating long-range navigation systems,
 - (vii) airborne emergency procedures, including re-alignment, if applicable,
 - (viii) the procedure for regaining track after a deliberate or accidental deviation from the cleared track, and
 - (ix) RNAV systems;
- (c) subject to subsections (2) and (3), the aircraft is equipped with at least two independent long-range navigation systems; and
- (d) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

(2) An aircraft that is equipped with only one long-range navigation system, or that has only one functioning long-range navigation system, is restricted to routes in NAT-MNPS airspace that are specified — in paragraph 1.4.1 of the *North Atlantic MNPS Airspace Operations Manual*, published by ICAO — as routes for aircraft equipped with only one such system.

(3) An aircraft that is not equipped with a long-range navigation system is restricted to routes in NAT-MNPS airspace that are specified — in paragraph 1.4.2 of the *North Atlantic MNPS Airspace Operations Manual*, published by ICAO — as routes for aircraft not equipped with such a system.

RVSM Airspace

604.22 No person shall operate an aircraft in RVSM airspace unless

- (a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;
- (b) every flight crew member on board the aircraft has received training in

- (i) the floor, ceiling and horizontal boundaries of RVSM airspace,
 - (ii) rules on the exclusion of non-RVSM-compliant aircraft from the airspace,
 - (iii) the procedures to be followed by flight crew members with respect to
 - (A) pre-flight and in-flight altimeter checks,
 - (B) use of the automatic altitude control system,
 - (C) items on the minimum equipment list (MEL) that are applicable to RVSM operations,
 - (D) in-flight contingencies,
 - (E) weather deviation procedures,
 - (F) track offset procedures for wake turbulence,
 - (G) inconsequential collision-avoidance systems alerts, and
 - (H) pilot level-off call,
 - (iv) procedures in respect of non-RVSM-compliant aircraft required to carry out ferry flights, humanitarian flights or delivery flights, and
 - (v) the use of an Airborne Collision Avoidance System (ACAS) and a Traffic Collision Avoidance System (TCAS);
- (c) the aircraft meets the requirements of paragraphs 8 and 9 of Advisory Circular 91-85, entitled *Authorization of Aircraft and Operators for Flight in Reduced Vertical Separation Minimum Airspace* — dated August 21, 2009 and published by the Federal Aviation Administration — and section 4.5 of NAT Doc 001, entitled *Guidance and Information Material Concerning Air Navigation in the North Atlantic Region*, published by ICAO;
- (d) the private operator meets the requirements of paragraph 11 of that Advisory Circular and section 4.5 of that NAT Doc; and
- (e) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of paragraph 11 of that Advisory Circular.

RNP 10 Separation Criteria

604.23 No person shall operate an aircraft in accordance with RNP 10 separation criteria unless

- (a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;
- (b) every flight crew member on board the aircraft has received training in
 - (i) flight planning for RNP 10 operations,
 - (ii) navigation performance requirements for RNP 10 operations,
 - (iii) enroute procedures for RNP 10 operations, and
 - (iv) the contingency procedures for RNP 10 operations;
- (c) the aircraft is eligible in accordance with the criteria set out in section 1.3.3 of Chapter 1 of Part B of Volume II of the PBN Manual;
- (d) the aircraft is equipped as specified in section 1.3.4 of that Chapter of the PBN Manual;
- (e) the equipment referred to in paragraph (d) meets the standards set out in sections 1.3.4, 1.3.6.1, 1.3.9.1 and 1.3.11 of that Chapter of the PBN Manual;
- (f) the private operator has performed the actions referred to in sections 1.3.3.2.4, 1.3.5, 1.3.7, 1.3.8 and 1.3.9.2 to 1.3.9.9 of that Chapter of the PBN Manual; and
- (g) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

Instrument Approaches — Global Positioning System (GPS)

604.24 No person shall conduct, in an aircraft for which a private operator is responsible, an instrument approach using a GPS receiver unless

- (a) the private operator responsible for the aircraft is authorized to do so in its temporary

private operator certificate;

(b) every flight crew member on board the aircraft has received the following training:

(i) if the private operator's fleet of aircraft is equipped with more than one model of GPS receiver, training in the differences between the models, unless

(A) each GPS receiver has a user interface comparable to the user interface of the GPS receiver that the flight crew members have already been trained on, or

(B) the flight crew members use only one model of GPS receiver,

(ii) hands-on training using

(A) a desk-top model or a simulator of the model of GPS receiver to be used,

(B) a computer-based simulation of the model of GPS receiver to be used, or

(C) the GPS receiver to be used, while in a static aircraft,

(iii) in the case of a GPS receiver that is not integrated with the flight management system (a GPS receiver installed on the instrument panel),

(A) training in

(I) the GPS and its theory of operation,

(II) GPS components and aircraft equipment,

(III) the composition of the satellite constellation,

(IV) the minimum number of satellites required for two- and three-dimensional navigation,

(V) the basic concept of satellite ranging,

(VI) the factors affecting the accuracy of GPS signals,

(VII) the World Geodetic System 1984 datum and the effect of using any other datum,

(VIII) the human factors associated with the use of the GPS and how errors can be reduced or eliminated,

(IX) the private operator's standard operating procedures, if any, for the use of the GPS, and

(X) the private operator's procedures for reporting GPS problems and GPS receiver database errors,

(B) training in the performance of the following operational tasks:

(I) selecting the appropriate operational mode,

(II) recalling categories of information contained in the GPS receiver database,

(III) predicting the availability of receiver autonomous integrity monitoring (RAIM),

(IV) entering and verifying user-defined waypoints,

(V) recalling and verifying GPS receiver database waypoints,

(VI) interpreting GPS navigational displays, including latitude, longitude, distance and bearing to waypoint, course deviation indicator, desired track, track made good, actual track and cross-track error,

(VII) intercepting and maintaining GPS-defined tracks,

(VIII) determining navigation information necessary for the conduct of the flight, including ground speed and the estimated time of arrival at the next waypoint and the destination,

(IX) indicating waypoint passage,

(X) using the "direct to" function,

- (XI) linking the enroute portion of a flight plan to the GPS approach,
- (XII) conducting standard instrument departures, standard terminal area arrivals, terminal area procedures and holds,
- (XIII) retrieving, verifying and conducting GPS stand-alone approaches, and
- (XIV) conducting GPS missed approaches,

(C) training in the performance of the following operational and serviceability checks:

- (I) the currency of the database and whether it covers the area of operation,
- (II) GPS receiver serviceability,
- (III) RAIM status,
- (IV) sensitivity of the course deviation indicator,
- (V) availability of position indication, and
- (VI) number of satellites acquired and, if the GPS receiver provides it, satellite position information, and

(D) training to recognize and take appropriate action in response to GPS receiver warnings and messages,

(iv) in the case of a GPS receiver integrated with the flight management system (GPS/FMS),

(A) training in

- (I) the GPS and its theory of operation,
- (II) GPS components and aircraft equipment,
- (III) the composition of the satellite constellation,
- (IV) the minimum number of satellites required for two- and three-dimensional navigation,
- (V) the basic concept of satellite ranging,
- (VI) the factors affecting the accuracy of GPS signals,
- (VII) the World Geodetic System 1984 datum and the effect of using any other datum, and
- (VIII) the human factors associated with the use of the GPS and how errors can be reduced or eliminated,

(B) training in the performance of the following operational tasks:

- (I) predicting the availability of the RAIM,
- (II) linking the enroute portion of a flight plan to the GPS approach,
- (III) conducting GPS stand-alone approaches, and
- (IV) conducting GPS missed approaches,

(C) training in the performance of the following serviceability checks:

- (I) RAIM status,
- (II) sensitivity of the course deviation indicator, and
- (III) number of satellites acquired and, if the GPS system provides it, satellite position information, and

(D) training to recognize and take appropriate action in response to GPS receiver warnings and messages, and

(v) in-flight training

(A) in the use of the GPS for approaches and other associated duties for each crew position that the flight crew member is to occupy,

(B) in

(I) an aircraft, or

(II) a full flight simulator that is equipped with the same model of GPS receiver that is installed in the private operator's aircraft or a model with a user interface comparable to the user interface of that GPS receiver, and

(C) provided by a pilot who

(I) has received training on the same model of GPS receiver that is installed in the private operator's aircraft or a model with a user interface comparable to the user interface of that GPS receiver, and

(II) has demonstrated, to the person who provided the training referred to in subclause (I), proficiency in the use of the same model of GPS receiver that is installed in the private operator's aircraft or a model with a user interface comparable to the user interface of that GPS receiver;

(c) every flight crew member on board the aircraft has demonstrated to the Minister the ability to conduct an instrument approach using a GPS receiver in accordance with this section;

(d) the coverage area of the GPS receiver database is compatible with the area of operation and the type of operation to be conducted by the private operator;

(e) the private operator has established procedures to ensure that

(i) the GPS receiver database is updated so that it remains current, and

(ii) the flight crew members communicate any information in respect of GPS receiver database errors to the private operator's other personnel, the GPS receiver database provider and the Minister;

(f) conducting an instrument approach using a GPS receiver does not adversely affect the duties and responsibilities of the flight crew members from the moment that the aircraft turns inbound on the final approach course to either the moment that it lands or the moment that it is established in the climb configuration on a missed approach;

(g) if the aircraft can be operated by two flight crew members, the GPS course deviation and distance displays are located at each pilot station and within the primary field of vision of the flight crew member who occupies the pilot station;

(h) if the aircraft can be operated by one flight crew member, the GPS course deviation and distance displays are located at the pilot station normally occupied by the pilot-in-command and within the primary field of vision of the flight crew member;

(i) if the aircraft can be operated by one flight crew member, but is operated by two flight crew members,

(i) the control display unit that is linked to the GPS receiver is centrally located in relation to the two pilot stations and provides navigation information that is visible to the pilot-not-flying, or

(ii) the GPS course deviation and distance displays are located at each pilot station and within the primary field of vision of the flight crew member who occupies the pilot station;

(j) the private operator has specified which pilot station the pilot flying and the pilot-not-flying are required to occupy during the conduct of an instrument approach using a GPS receiver, taking into account the location and model of the GPS receiver;

(k) in the case of an aircraft in which both the GPS guidance information and the distance measuring equipment (DME) information appears on the horizontal situation indicator (HSI) display, the private operator has established GPS approach procedures making it possible for flight crew members to deactivate the DME if it is not required for conducting an instrument

approach using a GPS receiver;

(l) the private operator has established procedures for programming the GPS receiver to ensure that

- (i) approach waypoints are verified against an aeronautical information publication,
- (ii) the approach mode is armed, and
- (iii) the cockpit NAV source switches and the automated flight control system guidance source switches are selected and verified;

(m) the private operator has established procedures for responding to GPS receiver warnings and messages, including RAIM warnings; and

(n) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

Instrument Approaches — *Restricted Canada Air Pilot*

604.25 Despite subsection 602.128(1) of the Regulations, a person may conduct, in an aircraft, an instrument approach that is not in accordance with an instrument procedure specified in the *Canada Air Pilot* for an aerodrome, if

(a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;

(b) in the case of a restricted instrument procedure specified in the *Restricted Canada Air Pilot*, the person conducts the approach in accordance with the requirements set out in that document in respect of the procedure; and

(c) in the case of a specialized restricted instrument procedure specified in the *Restricted Canada Air Pilot*,

(i) the person conducts the approach in accordance with the requirements set out in that document in respect of the procedure,

(ii) every flight crew member on board the aircraft has received the training necessary to mitigate the risks or hazards associated with that procedure with respect to the safety of the aircraft, persons or property,

(iii) the person conducts the approach in accordance with the operational procedures

(A) established by the Minister in accordance with criteria set out in a document approved by the civil aviation authority of a foreign state or by ICAO in respect of the specialized restricted instrument procedure, or

(B) established by the Minister in accordance with the following criteria:

(I) the environmental conditions at the aerodrome where the approach is to be conducted,

(II) the nature of the risks or hazards to the safety of the aircraft, persons or property and the measures that are necessary to mitigate or remove those risks or hazards,

(III) the level of safety provided by those operational procedures,

(iv) the aircraft meets the requirements specified in the temporary private operator certificate for conducting the approach,

(v) the private operator meets the requirements specified in the temporary private operator certificate for conducting the approach, and

(vi) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

Terminal and Enroute Area Navigation Operations (RNAV 1 and RNAV 2)

604.26 No person shall operate an aircraft in accordance with separation criteria, terrain clearance criteria and any other criteria in respect of RNAV 1 or RNAV 2 operations unless

(a) the private operator responsible for the aircraft is authorized to do so in its temporary

private operator certificate;

(b) every flight crew member on board the aircraft has received training in

- (i) pre-flight procedures for initialisation, loading and verification of the area navigation system,
- (ii) the normal operation of the area navigation system,
- (iii) procedures for manually updating the area navigation system's position,
- (iv) the method of monitoring and cross-checking the area navigation system,
- (v) the operation of the area navigation system in the compass unreliability area,
- (vi) malfunction procedures,
- (vii) terminal area procedures,
- (viii) waypoint symbology, plotting procedures and record-keeping duties and practices,
- (ix) timekeeping procedures,
- (x) post-flight performance checks,
- (xi) flight planning applicable to RNAV 1 or RNAV 2 operations,
- (xii) navigation performance requirements applicable to RNAV 1 or RNAV 2 operations,
- (xiii) enroute procedures applicable to RNAV 1 or RNAV 2 operations, and
- (xiv) contingency procedures applicable to RNAV 1 or RNAV 2 operations;

(c) the aircraft is eligible in accordance with the criteria set out in section 3.3.2.4 of Chapter 3 of Part B of Volume II of the PBN Manual;

(d) the aircraft is equipped as specified in section 3.3.3 of that Chapter of the PBN Manual;

(e) the equipment referred to in paragraph (d) meets the standards set out in sections 3.3.4.1 and 3.3.6 of that Chapter of the PBN Manual;

(f) the private operator has performed the actions referred to in sections 3.3.2.5.5, 3.3.4.1.1, 3.3.4.1.3 to 3.3.4.1.5 and 3.3.4.2 to 3.3.4.5 of that Chapter of the PBN Manual;

(g) every flight crew member on board the aircraft has demonstrated to the Minister the ability to operate the aircraft in accordance with this section; and

(h) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

RNP 4 Separation Criteria

604.27 No person shall operate an aircraft in accordance with RNP 4 separation criteria unless

(a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;

(b) every flight crew member on board the aircraft has received the training referred to in paragraph 604.26(b);

(c) the aircraft is eligible in accordance with the criteria set out in section 1.3.2.3 of Chapter 1 of Part C of Volume II of the PBN Manual;

(d) the aircraft is equipped as specified in sections 1.3.3.1, 1.3.4.2 and 1.3.4.3.1 of that Chapter of the PBN Manual;

(e) the equipment referred to in paragraph (d) meets the standards set out in sections 1.3.3.2, 1.3.3.3 to 1.3.3.7 and 1.3.6.1 of that Chapter of the PBN Manual;

(f) the private operator has performed the actions referred to in sections 1.3.2.4.6, 1.3.4.1, 1.3.4.3.2 to 1.3.4.3.4, 1.3.6.2 and 1.3.6.3 of that Chapter of the PBN Manual; and

(g) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

RNAV 5 Separation Criteria

604.28 No person shall operate an aircraft in accordance with RNAV 5 separation criteria unless

(a) the private operator responsible for the aircraft is authorized to do so in its temporary

private operator certificate;

(b) every flight crew member on board the aircraft has received the training referred to in paragraph 604.26(b);

(c) the aircraft is eligible in accordance with the criteria set out in section 2.3.2.4 of Chapter 2 of Part B of Volume II of the PBN Manual;

(d) the aircraft is equipped as specified in the portion of section 2.3.3 of that Chapter of the PBN Manual before section 2.3.3.1;

(e) the equipment referred to in paragraph (d) meets the standards set out in sections 2.3.3.1 to 2.3.3.3 of that Chapter of the PBN Manual;

(f) the private operator has performed the actions referred to in sections 2.3.2.5.6 and 2.3.4 of that Chapter of the PBN Manual; and

(g) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

Precision Approaches — CAT II and CAT III

604.29 No person shall conduct a CAT II or a CAT III precision approach in an aircraft unless

(a) the requirements of section 602.128 of the Regulations are met;

(b) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;

(c) every flight crew member on board the aircraft has demonstrated to the Minister the ability to operate the aircraft in accordance with this section; and

(d) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this section.

Operations Specifications Authorized by the Minister

604.30 (1) No person shall conduct, in an aircraft, an operation in respect of an operations specification that is not set out in sections 604.17 to 604.29 unless

(a) the private operator responsible for the aircraft is authorized to do so in its temporary private operator certificate;

(b) the Minister has authorized the operations specification in accordance with subsection (3);

(c) every flight crew member on board the aircraft has received the training specified by the Minister under subsection (2);

(d) every flight crew member on board the aircraft has demonstrated to the Minister the ability to conduct the operation in accordance with the technical requirements and to take the necessary risk mitigation measures in respect of that operation; and

(e) the private operator's operations manual contains procedures to ensure that the private operator meets the requirements of this subsection.

(2) The Minister shall specify the training referred to in paragraph (1)(c) taking into account

(a) any training that is recommended by the civil aviation authority of a foreign state or by ICAO in respect of an operations specification;

(b) the risks and hazards associated with the operations specification with respect to the safety of the aircraft, persons or property; and

(c) the level of safety required by the operation.

(3) The Minister shall authorize an operations specification that is not set out in sections 604.17 to 604.29 if

(a) the operations specification is subject to

(i) technical requirements established by the civil aviation authority of a foreign state or by ICAO, or

(ii) a third party submission in respect of technical requirements and risk mitigation

measures;

(b) in the case referred to in subparagraph (a)(i), the adoption of the operations specification is necessary for the conduct of flights abroad and in Canada by private operators and those flights can be conducted in a safe manner; and

(c) in the case referred to in subparagraph (a)(ii), technical requirements and risk mitigation measures are sufficient to ensure the safety of the flights to be conducted by private operators and will not have an adverse effect on air safety.

Division V — Flight Operations — Passengers

Flight Attendants

604.31 (1) Subject to subsection (2), no person shall conduct a take-off in an aircraft that is specified in a temporary private operator certificate and that has more than 12 passengers on board unless the crew includes one flight attendant for each unit of 40 passengers or for each portion of such a unit.

(2) A flight attendant is not required on board an aircraft with 13 to 19 passengers if

(a) the aircraft is equipped with a pilot-in-command station and a second-in-command station and is operated by a pilot-in-command and a second-in-command;

(b) the passenger cabin is readily accessible from the flight deck; and

(c) the flight crew is able to exercise supervisory control over the passengers during flight by visual and aural means.

Cabin Safety

604.32 (1) In respect of an aircraft that is specified in a temporary private operator certificate, no person shall move the aircraft on the surface, direct that the aircraft be moved or conduct a take-off in the aircraft unless

(a) safety belts are adjusted and fastened in accordance with paragraph 605.26(1)(a) of the Regulations, infants are held in accordance with paragraph 605.26(1)(b) of the Regulations and persons using child restraint systems are secured in accordance with paragraph 605.26(1)(c) of the Regulations;

(b) subject to subsection (5), seat backs are secured in the upright position;

(c) chair tables are stowed;

(d) carry-on baggage is stowed; and

(e) no seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, including by a passenger who has not been informed as to how that exit operates.

(2) No person shall conduct a landing in an aircraft that is specified in a temporary private operator certificate unless

(a) passengers have been directed to

(i) adjust and fasten safety belts in accordance with paragraph 605.26(1)(a) of the Regulations, hold infants in accordance with paragraph 605.26(1)(b) of the Regulations and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c) of the Regulations,

(ii) subject to subsection (5), secure their seat back in the upright position,

(iii) stow their chair table, and

(iv) stow their carry-on baggage; and

(b) if a seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, the passenger has been directed to move to another seat.

(3) The pilot-in-command of an aircraft that is specified in a temporary private operator certificate shall, in the event of an emergency and if time and circumstances permit,

(a) direct passengers to

- (i) adjust and fasten safety belts in accordance with paragraph 605.26(1)(a) of the Regulations, hold infants in accordance with paragraph 605.26(1)(b) of the Regulations and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c) of the Regulations,
- (ii) subject to subsection (5), secure their seat back in the upright position,
- (iii) stow their chair table,
- (iv) stow their carry-on baggage,
- (v) review the safety features card and assume the brace position until the aircraft stops moving, and
- (vi) in the case of an emergency over water, don their life preservers; and

(b) if a seat located at an emergency exit is occupied by a passenger whose presence in that seat could adversely affect the safety of passengers or crew members during an evacuation, direct the passenger to move to another seat.

(4) The pilot-in-command of an aircraft that is specified in a temporary private operator certificate shall, if the "fasten safety belt" sign is turned on during the flight, direct passengers to

- (a) adjust and fasten safety belts in accordance with paragraph 605.26(1)(a) of the Regulations, hold infants in accordance with paragraph 605.26(1)(b) of the Regulations and secure persons using child restraint systems in accordance with paragraph 605.26(1)(c) of the Regulations; and
- (b) stow their carry-on baggage.

(5) The seat of a passenger who is certified by a physician as unable to sit upright may remain in the reclining position during movement on the surface, take-off and landing if

- (a) the passenger is seated in a location that would not restrict the evacuation of the aircraft;
- (b) the passenger is not seated in a row that is next to or immediately in front of an emergency exit; and
- (c) the seat immediately behind the passenger's seat is vacant.

Fuelling with Passengers on Board

604.33 (1) Despite section 602.09 of the Regulations, a person may permit the fuelling of an aircraft that is specified in a temporary private operator certificate and that has passengers on board — or that has passengers embarking or disembarking — if

- (a) in order for persons on board the aircraft to be provided with prompt notification of a situation that could threaten their safety, two-way communication is maintained between the ground personnel who supervise the fuelling and a person on board the aircraft who has received training in respect of emergency evacuation procedures for that type of aircraft;
- (b) if the aircraft is an aeroplane,
 - (i) no engine is running unless it is equipped with a propeller brake and that brake is set, and
 - (ii) the aircraft flight manual refers to an engine that has a propeller brake as an auxiliary power unit;
- (c) no ground power generator or other electrical ground power supply is being connected to or disconnected from the aircraft;
- (d) no combustion heater installed on the aircraft is being used;
- (e) every combustion heater used in the vicinity of the aircraft has a marking, applied by the manufacturer, indicating that it is manufactured to Canadian Standards Association

- (CSA) or Underwriters' Laboratories of Canada (ULC) standards;
- (f) no high-energy-emitting equipment, including high-frequency radios and airborne weather radar, is being operated unless the aircraft flight manual contains procedures for its use during fuelling and those procedures are followed;
- (g) no aircraft battery is being removed or being installed;
- (h) no external battery charger is being operated or is being connected to or disconnected from an aircraft battery;
- (i) no auxiliary power unit having an efflux that discharges into the fuelling safety zone — which extends three metres (10 feet) radially from the filling and venting points on the aircraft and from the fuelling equipment — is started after filler caps are removed or fuelling connections are made;
- (j) no auxiliary power unit that is stopped is restarted until the flow of fuel has ceased, unless the aircraft flight manual establishes procedures for restarting it during fuelling and those procedures are followed;
- (k) no tool that is likely to produce a spark or electric arc is being used;
- (l) no photographic equipment is being used within three metres (10 feet) of the filling or venting points on the aircraft or the fuelling equipment;
- (m) fuelling is suspended if there is a lightning discharge within eight kilometres of the aerodrome;
- (n) the fuelling is carried out in accordance with the aircraft manufacturer's instructions;
- (o) the aircraft emergency lighting system, if any, is armed or on;
- (p) "no smoking" signs, if any, on board the aircraft are illuminated;
- (q) no passenger is operating a portable electronic device or smoking or otherwise producing a source of ignition;
- (r) two exits — one of which is the door through which passengers embarked — are clear and are available for immediate use by passengers and crew members in the event of an evacuation;
- (s) the escape route from each of the exits referred to in paragraph (r) is clear and is available for immediate use by passengers and crew members in the event of an evacuation;
- (t) a person who is authorized by the private operator to suspend fuelling is on board the aircraft and is ready to direct the suspension of fuelling if a requirement of this subsection ceases to be met;
- (u) a means of evacuation is in place at the door used for embarking and disembarking passengers, is free of obstruction and is available for immediate use by passengers and crew members;
- (v) the person on board the aircraft who is referred to in paragraph (a) is ready to initiate and direct an evacuation and is at or near the door referred to in paragraph (u); and
- (w) the embarkation door is open, unless

- (i) a crew member determines that, for climatic reasons, it is desirable to close it,
- (ii) a crew member is on board the aircraft, and
- (iii) the door

(A) opens inward or can be fully opened to the exterior without repositioning the loading stairs or stand,

(B) is latched, if that is necessary in order to keep it closed, and

(C) is not locked.

(2) The person referred to in paragraph (1)(t) shall direct the suspension of fuelling if a requirement of subsection (1) ceases to be met.

Passenger Briefings

604.34 (1) Despite section 602.89 of the Regulations, no person shall conduct a take-off in an aircraft that is specified in a temporary private operator certificate unless passengers are given a

safety briefing — orally by a crew member, or by audio or audiovisual means — that contains the following information:

- (a) when and where carry-on baggage is to be stowed;
- (b) when and how to fasten, adjust and release safety belts and, if any, shoulder harnesses;
- (c) when seat backs are to be secured in the upright position and chair tables are to be stowed;
- (d) the location of emergency exits and, in the case of a passenger seated next to one, how that exit operates;
- (e) the location and purpose of the safety features card;
- (f) the requirement to comply with the instructions given by crew members and with the "fasten safety belt" and "no smoking" signs, and the location of those signs;
- (g) the location of the emergency equipment required under sections 602.62 and 602.63 of the Regulations, and under subsections 604.44(1) and (2) and section 604.45, and how to access that equipment;
- (h) the portable electronic devices that may be used and when they may be used;
- (i) the location and operation of the passenger oxygen system, if any, including
 - (i) the location of the masks and a demonstration of their use,
 - (ii) the actions to be performed by the passenger in order to
 - (A) obtain a mask,
 - (B) activate the flow of oxygen, and
 - (C) don and secure the mask, and
 - (iii) the requirement for a passenger to don and secure the passenger's own mask before assisting another passenger with his or her mask;
- (j) the use of life preservers, including how to remove them from their packaging, how to don them and when to inflate them; and
- (k) when and where smoking is prohibited.

(2) No person shall permit passengers to disembark from an aircraft that is specified in a temporary private operator certificate unless the passengers are given a safety briefing — orally by a crew member, or by audio or audiovisual means — that contains the following information:

- (a) the safest route for passengers to take in order to move away from the aircraft; and
- (b) the hazards, if any, associated with the aircraft, including the location of Pitot tubes, propellers, rotors and engine intakes.

(3) If the safety briefing referred to in subsection (1) is not sufficient for a passenger — because of his or her physical, sensory or comprehension limitations or because the passenger is responsible for another person on board the aircraft — the passenger shall, subject to subsection (4), be given a safety briefing that consists of the following:

- (a) communication of the elements of the safety briefing referred to in subsection (1)
 - (i) that the passenger is not able to receive during that briefing or by referring to the safety features card, and
 - (ii) that are necessary for the safety of the persons on board the aircraft;
- (b) communication of
 - (i) the most appropriate brace position for the passenger given the passenger's condition, injury or stature and the orientation and pitch of his or her seat, and
 - (ii) where the passenger's service animal, if any, is to be located;
- (c) in the case of a mobility-impaired passenger who would need assistance in order to move to an exit in the event of an emergency, communication of

- (i) the most appropriate exit for the passenger to use,
 - (ii) the assistance that the passenger would require to reach that exit,
 - (iii) the most appropriate means to provide that assistance,
 - (iv) the most appropriate route to that exit, and
 - (v) the most appropriate time to begin to move to that exit;
- (d) in the case of a visually impaired passenger,
- (i) a tactile familiarization with
 - (A) the equipment that the passenger may be required to use in the event of an emergency, and
 - (B) if requested, the exits, and
 - (ii) communication of
 - (A) where the passenger's cane, if any, is to be stored,
 - (B) the number of rows of seats separating the passenger's seat from the closest exit and from the alternate exit, and
 - (C) the features of those exits;
- (e) in the case of a passenger who is responsible for another person on board the aircraft, communication of
- (i) if the passenger is responsible for an infant,
 - (A) the requirement to fasten the passenger's safety belt — and shoulder harness, if any — without securing the infant in that safety belt or shoulder harness,
 - (B) how to hold the infant during take-off and landing,
 - (C) how to use the child restraint system, if any,
 - (D) how to place and secure the oxygen mask on the infant's face,
 - (E) the most appropriate brace position, and
 - (F) the location of the infant's life preserver, how to remove it from its location and its packaging, how to assist the infant with donning it and when to inflate it, and
 - (ii) if the passenger is responsible for any other person,
 - (A) how to assist that person with donning and securing his or her oxygen mask, and
 - (B) how to use that person's personal restraint system, if any, on board the aircraft; and
- (f) in the case of an unaccompanied minor, communication of the need to pay close attention to the safety briefing.

(4) A passenger may decline the safety briefing referred to in subsection (3).

Safety Features Card

604.35 A private operator shall, before the safety briefing referred to in subsection 604.34(1), provide each passenger at his or her seat with a safety features card that shows the type of aircraft and that contains only safety information in respect of the aircraft, including

- (a) when and where smoking is prohibited;
- (b) when and how to fasten, adjust and release safety belts and, if any, shoulder harnesses;
- (c) when and where carry-on baggage is to be stowed;
- (d) the positioning of seats, securing of seat backs in the upright position and stowage of

chair tables for take-off and landing;

(e) the location and operation of the passenger oxygen system, if any, including

(i) the location of the masks and a description of their use,

(ii) the actions to be performed by the passenger in order to

(A) obtain a mask,

(B) activate the flow of oxygen, and

(C) don and secure the mask, and

(iii) the requirement for a passenger to don and secure the passenger's own mask before assisting another passenger with his or her mask;

(f) the location of first aid kits;

(g) the location of hand-held fire extinguishers that are accessible to passengers;

(h) the location of emergency locator transmitters;

(i) the location of survival equipment and how to access that equipment;

(j) passenger brace positions

(i) for each type of seat and passenger restraint system, and

(ii) for an adult who is holding an infant;

(k) the location, operation and use of each emergency exit, including whether it is unusable in a ditching because of aircraft configuration;

(l) the safest route for passengers to take in order to move away from the aircraft in an emergency;

(m) the attitude of the aircraft while floating, as determined by the aircraft manufacturer;

(n) the location of life preservers, how to remove them from their packaging, how they are to be donned — by adults, by children aged two years or older and by infants — and when to inflate them;

(o) the location, removal and use of flotation devices and of life rafts, if any; and

(p) the form, function, colour and location of the floor proximity emergency escape path markings, if any.

Division VI — Flight Time and Flight Duty Time

Flight Time Limits

604.36 (1) No private operator shall assign flight time to a flight crew member — and no flight crew member shall accept such an assignment — if the flight crew member's total flight time in all flights conducted under this Subpart, or Part IV or Part VII of the Regulations, would, as a result, exceed

(a) 1,200 hours in a period of 12 consecutive months;

(b) 300 hours in a period of 90 consecutive days;

(c) 120 hours in a period of 30 consecutive days; or

(d) 8 hours in a period of 24 consecutive hours, if the assignment is for a single-pilot IFR flight.

(2) If a flight crew's flight duty time is extended under section 604.39, each flight crew member accumulates, for the purposes of subsection (1), the total flight time for the flight or the total flight time for the series of flights, as the case may be.

Flight Duty Time Limits and Rest Periods

604.37 (1) Subject to sections 604.38 to 604.40, no private operator shall assign flight duty time to a flight crew member — and no flight crew member shall accept such an assignment — if the flight crew member's flight duty time would, as a result, exceed

- (a) 14 consecutive hours in any period of 24 consecutive hours; or
- (b) 15 consecutive hours in any period of 24 consecutive hours, if

- (i) the flight crew member's total flight time in the previous 30 consecutive days does not exceed 70 hours, or
- (ii) the rest period before the flight is at least 24 hours.

(2) A private operator shall ensure that, prior to reporting for flight duty, a flight crew member is provided with the minimum rest period and with any additional rest period required by this Division.

(3) A flight crew member shall use the following periods to be adequately rested prior to reporting for flight duty:

- (a) the minimum rest period provided in accordance with subsection (2);
- (b) any additional rest period required by this Division; and
- (c) any period with no assigned duties provided in accordance with section 604.42.

Split Flight Duty Time

604.38 Flight duty time may be extended by one-half the length of the rest period, to a maximum of four hours, if

- (a) before a flight crew member reports for the first flight or reports as a flight crew member on standby, as the case may be, the private operator provides the flight crew member with notice of the extension of the flight duty time;
- (b) the private operator provides the flight crew member with a rest period of at least four consecutive hours in suitable accommodation; and
- (c) the flight crew member's next minimum rest period is increased by an amount of time at least equal to the length of the extension of the flight duty time.

Extension of Flight Duty Time

604.39 If a flight crew is augmented by at least one flight crew member, if there is a balanced distribution of flight deck duty time and rest periods among the flight crew members, and if the next minimum rest period is at least equal to the length of the preceding flight duty time, the flight crew's flight duty time may be extended

- (a) to 17 hours with a maximum flight deck duty time of 12 hours, if a flight relief facility-seat is provided; and
- (b) to 20 hours with a maximum flight deck duty time of 14 hours, if a flight relief facility-bunk is provided.

Unforeseen Operational Circumstances

604.40 (1) Flight duty time may be extended by up to three hours if

- (a) the pilot-in-command, after consultation with the other flight crew members, considers it safe to do so;
- (b) the flight duty time is extended as a result of unforeseen operational circumstances;
- (c) the next minimum rest period is increased by an amount of time at least equal to the length of the extension of the flight duty time; and
- (d) the pilot-in-command notifies the private operator of the unforeseen operational circumstances and of the length of the extension of the flight duty time.

(2) The private operator shall retain a copy of the notification for five years.

Delayed Reporting Time

604.41 A flight crew member's flight duty time starts three hours after the flight crew member's original reporting time if

- (a) the flight crew member is notified of the delay at least two hours before the original

- reporting time; and
 (b) the delay is more than three hours.

Time with no Assigned Duties

604.42 No private operator shall assign duties to a flight crew member — and no flight crew member shall accept such an assignment — unless the private operator provides the flight crew member with one of the following periods with no assigned duties:

- (a) at least 36 consecutive hours in each period of seven consecutive days; or
 (b) at least 3 consecutive calendar days in each period of 17 consecutive days.

Rest period — Flight Crew Member Positioning

604.43 If a flight crew member is required by a private operator to travel for the purpose of positioning after the completion of flight duty time, the private operator shall provide the flight crew member with an additional rest period at least equal to one-half the time spent for that purpose that is in excess of the flight duty time referred to in paragraphs 604.37(1)(a) and (b).

Division VII — Emergency Equipment

Survival Equipment

604.44 (1) No person shall operate over land an aircraft that is specified in a temporary private operator certificate, other than an aircraft referred to in subsection 602.61(2) of the Regulations, unless there is carried on board a survival manual that contains information about how to survive on the ground and how to use the survival equipment carried on board for the purposes of subsection 602.61(1) of the Regulations.

(2) Despite subparagraph 602.63(6)(c)(iii) of the Regulations, a survival kit shall contain a pyrotechnic signalling device, signalling mirror and dye marker for visually signalling distress.

(3) In addition to meeting the requirements of paragraph 602.63(6)(c) of the Regulations, the survival kit shall contain

- (a) a radar reflector;
 (b) a life raft repair kit;
 (c) a bailing bucket and sponge;
 (d) a whistle;
 (e) a waterproof flashlight;
 (f) a two-day supply of potable water — based on 500 millilitres per person per day and calculated using the overload capacity of the life raft — or a means of desalting or distilling salt water that can provide 500 millilitres of potable water per person per day;
 (g) a waterproof survival manual that contains information about how to survive at sea;
 and
 (h) a first aid kit that contains antiseptic swabs, burn dressing compresses, bandages and motion sickness pills.

First Aid Kits

604.45 (1) Despite paragraph 602.60(1)(h) of the Regulations, no person shall conduct a take-off in an aircraft that is specified in a temporary private operator certificate, and that is configured as follows, unless there is carried on board the corresponding number of first aid kits, each containing the supplies and equipment set out in the *Aviation Occupational Safety and Health Regulations* for a Type A first aid kit:

- (a) configured for 20 to 50 passenger seats, one kit;
 (b) configured for 51 to 150 passenger seats, two kits;
 (c) configured for 151 to 250 passenger seats, three kits; and
 (d) configured for 251 or more passenger seats, four kits.

(2) The first aid kits shall be distributed throughout the cabin, be readily available to crew members and to passengers, if any, and be clearly identified. If they are stowed in a bin or compartment, the bin or compartment shall be clearly marked as containing a first aid kit.

Protective Breathing Equipment

604.46 (1) No person shall conduct a take-off in a pressurized aircraft that is specified in a temporary private operator certificate, and that has flight attendants on board, unless one unit of protective breathing equipment with a 15-minute portable supply of breathing gas at a pressure-altitude of 8,000 feet is available

- (a) at the entry into each Class A, B or E cargo compartment that is accessible to crew members during flight;
- (b) at the site of each hand-held fire extinguisher located in an isolated galley;
- (c) on the flight deck; and
- (d) at the site of each hand-held fire extinguisher required under section 604.47 of the Regulations.

(2) If the breathable gas in the protective breathing equipment referred to in subsection (1) is oxygen, each unit of that equipment reduces by 15 minutes the crew member oxygen requirements specified in subsection 605.31(2) of the Regulations.

Hand-held Fire Extinguishers

604.47 No person shall conduct a take-off in an aircraft that is specified in a temporary private operator certificate unless

(a) hand-held fire extinguishers are available as follows:

(i) distributed throughout every passenger compartment configured as follows, in the corresponding numbers:

- (A) for fewer than 20 passenger seats, one extinguisher,
- (B) for 20 to 60 passenger seats, two extinguishers,
- (C) for 61 to 200 passenger seats, three extinguishers, and
- (D) for 201 or more passenger seats, one additional extinguisher for each additional unit of 100 passenger seats,

(ii) one fire extinguisher at the entry into each Class E cargo compartment that is accessible to crew members during flight, and

(iii) one fire extinguisher in each isolated galley;

(b) the hand-held fire extinguisher required under clause (a)(i)(A) — or at least one of the hand-held fire extinguishers required under clause (a)(i)(B), (C) or (D) — contains Halon 1211 (bromochlorodifluoromethane) or its equivalent; and

(c) the bin or compartment, if any, in which a hand-held fire extinguisher is stowed is clearly marked as containing a fire extinguisher.

Division VIII — Maintenance

Maintenance Manager

604.48 (1) The maintenance manager appointed under paragraph 604.10(1)(a) is responsible for the maintenance control system.

(2) The maintenance manager may assign to another person management functions for specific maintenance control activities if the operations manual contains the following:

- (a) a description of those functions; and
- (b) a list of any persons, identified either by name or by position, to whom those functions may be assigned.

(3) The maintenance manager shall remove aircraft from operation if the removal is justified because of non-compliance with the requirements of the Regulations or this Interim Order or because of a risk to the safety of the aircraft, persons or property.

Maintenance Control System

604.49 A private operator shall establish, in respect of its aircraft, a maintenance control system that includes the following:

- (a) procedures to ensure that only parts and materials that meet the requirements of Subpart 71 of Part V of the Regulations are used in the performance of maintenance, elementary work and servicing, including
 - (i) the details of part pooling arrangements, if any, that have been entered into by the private operator, and
 - (ii) procedures used for the inspection and storage of incoming parts and materials;
- (b) if the private operator authorizes, for the performance of elementary work, the use of methods, techniques, practices, parts, materials, tools, equipment or test apparatuses referred to in paragraph 571.02(1)(b) or (c) of the Regulations, the source of those methods, techniques, practices, parts, materials, tools, equipment or test apparatuses and a general description of the elementary work;
- (c) procedures to record the servicing performed in respect of an aircraft;
- (d) procedures to ensure that the persons who perform or request the performance of maintenance, elementary work or servicing meet the requirements of section 604.50;
- (e) procedures to ensure that an aircraft is not dispatched unless it is
 - (i) airworthy, and
 - (ii) equipped and configured for the intended use;
- (f) a description of the defect reporting and rectification procedures required by section 604.51;
- (g) the service information review procedures required under section 604.53;
- (h) procedures to ensure that the records referred to in section 604.54 are established, retained and provided in accordance with that section;
- (i) procedures to ensure that tasks required by a maintenance schedule or by an airworthiness directive are completed within the time limits set out in Subpart 5 of Part VI of the Regulations;
- (j) procedures to ensure that the aircraft empty weight and empty centre of gravity are entered in accordance with the requirements of Item 2 of Schedule I to Subpart 5 of Part VI of the Regulations;
- (k) a general description of the maintenance schedule required under paragraph 605.86(1)(a) of the Regulations and, in the case of a turbine-powered pressurized aeroplane or a large aeroplane, the approval number of the maintenance schedule approved under subsection 605.86(2) of the Regulations; and
- (l) procedures to ensure that the maintenance and elementary work performed in respect of an aircraft, and the defects of an aircraft, are recorded in a technical record kept under subsection 605.92(1) of the Regulations.

Maintenance, Elementary Work and Servicing

604.50 (1) No private operator shall authorize a person to perform maintenance, elementary work or servicing on its aircraft unless

- (a) the person is an employee of the private operator and
 - (i) has received training in the performance rules set out in section 571.02 of the Regulations, the recording requirements set out in section 571.03 of the Regulations and the record-keeping requirements set out in section 605.92 of the Regulations, and

(ii) in the case of elementary work, has performed that work under the supervision of the holder of an aircraft maintenance engineer (AME) licence or the holder of an approved training organization certificate; or

(b) the person is authorized to do so under an agreement.

(2) The agreement referred to in paragraph (1)(b) shall

(a) be in writing;

(b) describe the maintenance, elementary work or servicing to be performed, including the specific tasks and activities and the conditions under which they are to be performed; and

(c) provide that the private operator is responsible for ensuring that the maintenance, elementary work or servicing is performed.

Defect Reporting and Rectification

604.51 A private operator shall establish procedures to ensure that

(a) the defects of an aircraft are recorded in accordance with subsection 605.94(1) of the Regulations;

(b) the defects of an aircraft are rectified in accordance with the requirements of Subpart 71 of Part V of the Regulations;

(c) the defects of an aircraft that recur three times within 15 flights are identified and are reported as recurring defects to the flight crew and maintenance personnel in order to avoid the repetition of unsuccessful attempts at rectification;

(d) aircraft defects the rectification of which is deferred under section 605.09 or 605.10 of the Regulations are scheduled for rectification; and

(e) the rectification of a recurring defect takes into account the methodology used in previous repair attempts.

Service Difficulty Reporting

604.52 A private operator shall report to the Minister, in accordance with Division IX of Subpart 21 of Part V of the Regulations, any service difficulty related to the aircraft that it operates under this Subpart.

Service Information Review

604.53 A private operator shall establish procedures to ensure that

(a) it is aware of the service information that the manufacturer produces in respect of the aeronautical products used by the private operator;

(b) the service information is assessed and the results of this assessment are dated and signed by the maintenance manager and retained for six years; and

(c) the maintenance schedule or other procedure is, if necessary, amended in response to the assessment.

Personnel Records

604.54 A private operator shall establish, for each person who performs maintenance, elementary work or servicing on its aircraft, a record of the following, and shall retain the record for two years after the day on which an entry is made:

(a) whether the person is authorized under section 571.11 of the Regulations to sign a maintenance release as required by section 571.10 of the Regulations; and

(b) whether the person has performed elementary work in accordance with subparagraph 604.50(1)(a)(ii).

SCHEDULE 2

(Subsections 1(3) and 2(2) and (3))

DESIGNATED PROVISIONS

Column I Designated Provision	Column II Maximum Amount of Penalty (\$)	
	Individual	Corporation
DIVISION I — TEMPORARY PRIVATE OPERATOR CERTIFICATE		
Section 604.03	5,000	25,000
Section 604.08	1,000	5,000
Section 604.09	1,000	5,000
Subsection 604.10(1)	3,000	15,000
DIVISION III — FLIGHT OPERATIONS — DOCUMENTS		
Subsection 604.13(1)	3,000	15,000
Subsection 604.15(1)	1,000	5,000
Subsection 604.15(2)	1,000	5,000
Subsection 604.15(3)	1,000	5,000
DIVISION IV — FLIGHT OPERATIONS — OPERATIONS SPECIFICATIONS		
Section 604.19	3,000	15,000
Section 604.20	3,000	15,000
Subsection 604.21(1)	3,000	15,000
Section 604.22	3,000	15,000
Section 604.23	3,000	15,000
Section 604.24	3,000	15,000
Section 604.26	3,000	15,000
Section 604.27	3,000	15,000

Section 604.28	3,000	15,000
Section 604.29	3,000	15,000
Subsection 604.30(1)	3,000	15,000
DIVISION V — FLIGHT OPERATIONS — PASSENGERS		
Subsection 604.31(1)	3,000	15,000
Subsection 604.32(1)	3,000	15,000
Subsection 604.32(2)	3,000	15,000
Subsection 604.32(3)	3,000	15,000
Subsection 604.32(4)	1,000	5,000
Subsection 604.33(2)	1,000	5,000
Subsection 604.34(1)	3,000	15,000
Subsection 604.34(2)	3,000	15,000
Section 604.35	3,000	15,000
DIVISION VI — FLIGHT TIME AND FLIGHT DUTY TIME		
Subsection 604.36(1)	5,000	25,000
Subsection 604.37(1)	3,000	15,000
Subsection 604.37(2)	3,000	15,000
Subsection 604.40(2)	1,000	5,000
Section 604.42	3,000	15,000
Section 604.43	3,000	15,000

**DIVISION VII —
EMERGENCY
EQUIPMENT**

Subsection 604.44(1,000	5,000
Subsection 604.45(1)	3,000	15,000
Subsection 604.46(1)	3,000	15,000
Section 604.4 7	3,000	15,000
DIVISION VIII — MAINTENANCE		
Section 604 .52	3,000	15,000
Section 604.54	1,000	5,000

[20-1-o]

[Footnote a](#)

S.C. 1999, c. 33

[Footnote b](#)

SOR/94-311

[Footnote c](#)

S.C. 1999, c. 33

[Footnote d](#)

S.C. 1992, c. 4, s. 7

[Footnote e](#)

S.C. 2004, c. 15, s. 18

[Footnote f](#)

S.C. 2004, c. 15, s. 18

[Footnote g](#)

S.C. 2001, c. 29, s. 39

[Footnote h](#)

R.S., c. A-2

[Footnote i](#)

S.C. 2004, c. 15, s. 11(1)

[Footnote j](#)

R.S., c. A-2

[Footnote k](#)

S.C. 2004, c. 15, s. 11(1)

[Footnote l](#)

R.S., c. A-2

[Footnote 1](#)

Supplement, Canada Gazette, Part I, January 31, 1998

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