

# Canada Gazette

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## ARCHIVED — GOVERNMENT NOTICES

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Vol. 144, No. 6 — February 6, 2010

### DEPARTMENT OF THE ENVIRONMENT

#### CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

##### *Ministerial Condition No. 15205*

Whereas the Minister of the Environment and the Minister of Health have assessed information pertaining to the substance 1,3-Propanediol, 2-methyl-, reaction products with alkylmercaptans;

And whereas the Ministers suspect that the substance is 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.

JIM PRENTICE  
*Minister of the Environment*

#### ANNEX

##### Conditions

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

The person who complies with subsection 81(1) of the *Canadian Environmental Protection Act, 1999*, (the Notifier hereafter) may manufacture or import the substance if that person also complies with the following conditions:

##### *Restriction*

1. The Notifier may import the substance in order to use it only as a binding agent in the manufacture of tires or other moulded rubber products.

2. The Notifier may manufacture the substance if, at least 120 days prior to the beginning of the manufacturing, the Notifier informs the Minister of the Environment, in writing, and provides the Minister with 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 and processing of the substance in Canada:

- (i) a brief description of the manufacturing process that details precursors of the substance, reaction stoichiometry, and the nature (batch or continuous) and scale of the process,
- (ii) a characterization of the reaction products,
- (iii) a flow diagram of the manufacturing process that includes features such as process tanks, holding tanks and distillation towers, and
- (iv) a brief description of the major steps in manufacturing operations, the chemical conversions, the points of entry of all feedstock, the points of release of substances, and the processes to eliminate environmental releases.

#### *Application*

3. Items 4 to 6 do not apply if the substance is already blended with Carbon black when imported.

#### *Disposal Restrictions for Returnable Vessels*

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

- (a) all vessels shall be sealed to prevent the release of the substance; or
- (b) all residual substance shall be removed from the vessels.

#### *Disposal Restrictions for Non-returnable Vessels*

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

- (a) all vessels shall be sealed prior to being destroyed or disposed of in accordance with subitem 6(1); or
- (b) all residual substance shall be removed from the vessels before they are disposed of, destroyed or reused.

#### *Disposal Restriction of the Substance*

6. (1) The Notifier must destroy or dispose of the vessels, the substance or any waste containing the substance, by

- (a) incineration in accordance with the laws of the jurisdiction where the disposal facility is located; or
- (b) deposit in a secure landfill in accordance with the laws of the jurisdiction where the landfill is located, if the vessels, the substance or the waste containing the substance cannot be destroyed in accordance with paragraph (a).

(2) For the purpose of subitem (1), "waste" includes wastes resulting from the rinsing of vessels that contained the substance, process effluents, and any residual amounts of the substance, including any residue removed in application of paragraph 4(b) or 5(b).

#### *Environmental Release*

7. Where any release of the substance to the environment occurs, the Notifier shall immediately take all measures necessary to prevent any further release, and to limit the dispersion of the substance. 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*

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

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(2) The Notifier shall maintain electronic or paper records mentioned in subsection (1) at the Notifier's principal place of business in Canada for a period of at least five years after they are made.

#### *Other Requirements*

9. The Notifier shall inform all persons who obtain the substance from the Notifier, in writing, of the terms of the present ministerial conditions. The Notifier shall obtain, prior to any transfer of the substance, written confirmation from these persons that they will use the substance only as a binding agent in the manufacture of tires and other moulded rubbers, and comply with the terms of the present ministerial conditions as if they had been imposed on them. These records shall be maintained at the Notifier's principal place of business in Canada for a period of at least five years after they are made.

#### *Coming into Force*

10. This Ministerial Condition comes into force on December 22, 2009.

[6-1-o]

## DEPARTMENT OF THE ENVIRONMENT

### CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

#### *Notice of report on response to comments received on the proposed Canada-Quebec Agreement (pulp and paper and metal mining sectors)*

Whereas on June 13, 2009, the Minister of the Environment published in Part I of the *Canada Gazette*, pursuant to subsection 9(2) of the *Canadian Environmental Protection Act, 1999*, the proposed Administrative Agreement Between the Government of Quebec and the Government of Canada Regarding the Implementation in Quebec of the Federal Regulations Pertaining to the Pulp and Paper and Metal Mining Sectors,

Whereas the Minister of the Environment has received comments with respect thereto,

Now therefore, pursuant to subsection 9(4) of the Act, the Minister of the Environment hereby publishes the attached report that summarizes how the comments were dealt with.

JIM PRENTICE  
*Minister of the Environment*

#### Response to Comments Received on the Proposed Administrative Agreement Between the Government of Quebec and the Government of Canada Regarding the Implementation in Quebec of the Federal Regulations Pertaining to the Pulp and Paper and Metal Mining Sectors

#### Introduction

In accordance with subsection 9(2) of the *Canadian Environmental Protection Act, 1999* (CEPA 1999), the Minister of the Environment published the proposed Administrative Agreement Between the Government of Quebec and the Government of Canada Regarding Implementation in Quebec of the Federal Regulations Pertaining to the Pulp and Paper and Metal Mining Sectors (Canada-Quebec Agreement). The proposed Canada-Quebec Agreement was published in the *Canada Gazette*, Part I, on June 13, 2009, for a 60-day comment period. It was developed by the Government of Quebec and Environment Canada.

In accordance with subsection 9(4) of CEPA 1999, this report summarizes how the comments received were dealt with. No notices of objection were received.

## Response to comments

One submission was received from the Québec Forest Industry Council, the pulp and paper industry spokesperson. Its comments are summarized by the desire that the governments of Canada and Quebec enter into an equivalency agreement on the regulations applicable to the Quebec pulp and paper industry. Environment Canada's response is that section 10 of CEPA 1999 entitles, within prescribed conditions, the conclusion of an equivalency agreement with a government which has jurisdiction under a given area. An equivalency agreement permits an exemption from application of federal regulations in an area where equivalent provisions exist. Therefore, the possibility of an equivalency agreement with the Quebec government exists for the *Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations* and the *Pulp and Paper Mill Defoamer and Wood Chip Regulations*. However, the fact that these regulations apply to few plants in Quebec has not, until this time, justified entering into such an agreement.

The *Pulp and Paper Effluent Regulations* enacted under the *Fisheries Act* applies to pulp and paper mills in Quebec. An equivalency agreement for this regulation would permit a decrease in duplication of equivalent federal and provincial provisions, from which arises the resulting interest. However, the *Fisheries Act* does not provide authority for an equivalency agreement. With an amendment to the *Fisheries Act*, the federal and Quebec governments could assess this possibility.

Given the jurisdictional and circumstantial limitations mentioned above, the two governments consider that the draft agreement published in June 2009 is a continuation of the federal-provincial cooperation intended to minimize, to the extent possible, the administrative duplication arising from their respective regulations.

[6-1-o]

## DEPARTMENT OF THE ENVIRONMENT

### CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

#### *Significant New Activity Notice No. 15796*

#### 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 Cyclopentane, 1,1,2,2,3,3,4-heptafluoro-, Chemical Abstracts Service Registry No. 15290-77-4;

Whereas the substance is not 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 under the *Canadian Environmental Protection Act, 1999*,

Therefore, the Minister of the Environment indicates, pursuant to section 85 of that Act, that subsection 81(4) of the same Act applies with respect to the substance in accordance with the Annex.

JIM PRENTICE  
*Minister of the Environment*

## ANNEX

### Information Requirements

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

1. In relation to Cyclopentane, 1,1,2,2,3,3,4-heptafluoro-, a significant new activity is the use of the substance in quantities greater than 1 000 kilograms per calendar year, other than as a component in a cleaning agent or solvent when they are used for cleaning electronic components in

an industrial setting.

2. A person who proposes a significant new activity set out in this Notice for this substance shall provide to the Minister of the Environment, at least 90 days prior to the commencement of the proposed significant new activity, the following information:

- (a) a description of the proposed significant new activity in relation to the substance;
- (b) the information specified in Schedule 4 to the *New Substances Notification Regulations (Chemicals and Polymers)*;
- (c) the information specified in items 8 and 10 of Schedule 5 to those Regulations;
- (d) the pollution prevention measures proposed to prevent or reduce releases of the substance into the environment;
- (e) where the substance is used by the person to replace one of the controlled substances listed in Schedule 2 of the *Ozone-depleting Substances Regulations, 1998*, for a specific use indicated in Part 2 of those Regulations, provide the specific substance name, the Chemical Abstracts Service Registry Number (if one has been assigned) and the molecular formula of the substance it replaces; and
- (f) 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.

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

#### 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 of 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.

[6-1-o]

## DEPARTMENT OF INDUSTRY

### INVESTMENT CANADA ACT

*Amount for the year 2010*

Pursuant to subsection 14.1(2) of the *Investment Canada Act*, I hereby determine that the

amount for the year 2010, equal to or above which an investment is reviewable, is two hundred and ninety-nine million dollars.

TONY CLEMENT  
 Minister of Industry and  
 Minister Responsible for Investment Canada

[6-1-o]

## DEPARTMENT OF TRANSPORT

### TRANSPORTATION OF DANGEROUS GOODS ACT, 1992

#### *Vancouver 2010 Interim Order Respecting the Transportation of Dangerous Goods (Into, Through or Within Controlled Access Zones)*

Whereas the Minister of Transport believes that immediate action is required to deal with an immediate threat to the security of the importing, offering for transport, handling and transporting of dangerous goods and to public safety;

Therefore, the Minister of Transport, pursuant to subsection 27.6(1) ([see footnote a](#)) of the *Transportation of Dangerous Goods Act, 1992* ([see footnote b](#)), hereby makes the annexed *Vancouver 2010 Interim Order Respecting the Transportation of Dangerous Goods (Into, Through or Within Controlled Access Zones)*.

Ottawa, January 25, 2010

JOHN BAIRD  
 Minister of Transport

## **VANCOUVER 2010 INTERIM ORDER RESPECTING THE TRANSPORTATION OF DANGEROUS GOODS (INTO, THROUGH OR WITHIN CONTROLLED ACCESS ZONES)**

### INTERPRETATION

#### Definitions

**1.** Words and expressions used in this Interim Order and defined in the *Transportation of Dangerous Goods Act, 1992* or the *Transportation of Dangerous Goods Regulations* have the same meaning as in that Act or those Regulations, as the case may be.

### CONTROLLED ACCESS ZONES

#### Description

**2.** (1) The areas in British Columbia that are described in column 1 of the table to this subsection are established as controlled access zones and are referred to in this Interim Order in the manner set out in column 2.

TABLE

Item	Column 1 Areas	Column 2 Zones
1.	The area in the City of Vancouver that is bounded by East Broadway Avenue, West Broadway Avenue, Burrard Street, Clark Drive, Burrard Inlet, West Waterfront Road, Railway Street, Alexander Street and Powell Street.	Zone 1
2.	The area of the Port Metro Vancouver's Vanterm and Centerm inter-modal terminals that is bounded by Waterfront Road, the terminals' security fence and North Commercial Drive.	Zone 2

- |     |   |         |
|-----|---|---------|
| 3.  | The area that is formed by Highway 99 (also known as the Sea-to-Sky Highway) from Ansell Place to Pemberton and by the railway tracks that run from Ansell Place to Pemberton.  | Zone 3  |
| 4.  | The area in the City of Richmond that is around the Richmond Oval and that is bounded by Westminster Highway, Gilbert Road, Dinsmore Bridge and No. 2 Road Bridge and Russ Baker Way.   | Zone 4  |
| 5.  | The area in the City of Vancouver that is bounded by SW Marine Drive, Blanca Street, West 16 <sup>th</sup> Avenue and University Boulevard.   | Zone 5  |
| 6.  | The area in the City of Vancouver that is bounded by Cambie Street, West 37 <sup>th</sup> Avenue, East 37 <sup>th</sup> Avenue, Main Street, East King Edward Avenue and West King Edward Avenue.   | Zone 6  |
| 7.  | The area in the City of West Vancouver that is formed by Cypress Bowl Road from Eagle Lake Access Road to the north end of the Cypress Bowl Road.   | Zone 7  |
| 8.  | The area in the City of Vancouver that is bounded by East 49 <sup>th</sup> Avenue, Kerr Street, Rupert Street, East 45 <sup>th</sup> Avenue, Killarney Street, East 46 <sup>th</sup> Avenue, Raleigh Street and East 48 <sup>th</sup> Street.   | Zone 8  |
| 9.  | The area in the City of Vancouver that is bounded by McGill Street, the McGill Highway access ramp, the East Hasting Street on-ramp, East Hasting Street and Nanaimo Street.  | Zone 9  |
| 10. | The area in the City of Vancouver that is bounded by East 12 <sup>th</sup> Avenue, Grand View Highway, Nanaimo Street, Vanness Avenue, Stainsbury Avenue and the portion of Commercial Drive, Victoria Diversion (also known as Victoria Divers) and Victoria Drive between East 12 <sup>th</sup> Avenue and Stainsbury Avenue. | Zone 10 |
| 11. | The area in the City of Vancouver that is bounded by Clark Drive, Venables Street, Commercial Drive and Charles Street.   | Zone 11 |
| 12. | The area at the Vancouver International Airport that is<br><br>(a) bounded by Grant McConachie Way and the portion of the Service Road that connects Grant McConachie Way; and<br><br>(b) formed by Miller Road west of the unnamed road that connects Miller Road and Grant McConachie Way west of Airside Service Road.       | Zone 12 |
| 13. | The area in the City of Richmond that is bounded by Steveston Highway, Highway 99, Rice Mill Road, Number 5 Road, Machina Way, Horseshoe Way, Hammersmith Way, Hammersmith Gate and Shell Road.   | Zone 13 |

#### Boundary roads

(2) The controlled access zones do not include the roads that form the boundaries of Zone 1,

Zone 2, Zone 4, Zone 5, Zone 6, Zone 8, Zone 9, Zone 10, Zone 11 and Zone 13.

Zone 12

(3) Zone 12 includes the roads that form the boundaries of the zone, except the portion of Grant McConachie Way that is easterly from the unnamed road that connects Miller Road and Grant McConachie Way west of Airside Service Road.

#### PROHIBITIONS

Zones 1 and 2

**3.** A person must not handle, offer for transport or transport in a road vehicle or a railway vehicle any of the following dangerous goods into, through or within Zone 1 or Zone 2:

- (a) dangerous goods that require an emergency response assistance plan;
- (b) dangerous goods that are explosives included in Class 1.1, Class 1.2 and Class 1.5; or
- (c) dangerous goods that are included in Class 7, except for medical isotopes included in UN2915, RADIOACTIVE MATERIAL, TYPE A PACKAGE that do not require the display of a placard in accordance with Part 4, Dangerous Goods Safety Marks, of the *Transportation of Dangerous Goods Regulations*.

Zone 1

**4.** (1) Except from midnight to 06:00 Pacific standard time, a person must not handle, offer for transport or transport in a road vehicle or a railway vehicle dangerous goods into, through or within Zone 1 if the dangerous goods require the display of a placard in accordance with Part 4, Dangerous Goods Safety Marks, of the *Transportation of Dangerous Goods Regulations*.

Non-application

(2) Subsection (1) does not apply to dangerous goods to which section 3 applies.

Zones 3 to 13

**5.** Except from midnight to 06:00 Pacific standard time, a person must not handle, offer for transport or transport in a road vehicle or a railway vehicle any of the following dangerous goods into, through or within Zone 3, Zone 4, Zone 5, Zone 6, Zone 7, Zone 8, Zone 9, Zone 10, Zone 11, Zone 12 or Zone 13:

- (a) dangerous goods that require the display of a placard in accordance with Part 4, Dangerous Goods Safety Marks, of the *Transportation of Dangerous Goods Regulations*; or
- (b) dangerous goods that require an emergency response assistance plan.

BNSF Railway rail barge

**6.** A person must not import, handle, offer for transport or transport dangerous goods on the BNSF Railway rail barge operated by Seaspan if the dangerous goods require an emergency response assistance plan.

#### CESSATION OF EFFECT

March 3, 2010

**7.** If this Interim Order is approved by the Governor in Council, it ceases to have effect at 23:59:59 Pacific standard time on March 3, 2010.

#### EXPLANATORY NOTE

*(This note is not part of the Interim Order.)*

It is imperative that, for the security of the handling, offering for transport and transporting of dangerous goods and for public safety before, during and after the 2010 Winter Olympic Games, the transportation of certain dangerous goods be controlled into, through and within thirteen zones that



encompass competition and non-competition Olympic venues in and around Vancouver, Whistler and surrounding areas.

The Interim Order responds to requirements agreed to by the Royal Canadian Mounted Police and is built on the work of the Vancouver 2010 Security Surface Technical Working Group. The Interim Order establishes thirteen controlled access zones where the handling, offering for transport and transport in a road vehicle or a railway vehicle of certain dangerous goods into, through or within a zone are controlled.

It is important to note that the times of day provided in the Interim Order are the times when certain dangerous goods may be handled, offered for transport and transported into, through or within the controlled access zones. It is also important to note that, in accordance with subsection 2(2) of the Interim Order, the streets that form the boundary of Zone 1, Zone 2, Zone 4, Zone 5, Zone 6, Zone 8, Zone 9, Zone 10, Zone 11 and Zone 13 are not part of the controlled access zones. For example, access to the Vanterm and Centerm inter-modal terminals by truck is available through Clark Drive.

The *Transportation of Dangerous Goods Act, 1992*, and the *Transportation of Dangerous Goods Regulations* continue to apply within and outside the thirteen controlled access zones. Dangerous goods inspectors will be enforcing the Interim Order as well as all other requirements established under that Act and those Regulations during the 2010 Winter Olympic Games.

The Interim Order will remain in force for 14 days after the day on which it is made unless it is approved by the Governor in Council. If so approved, the Interim Order will cease to have effect at 23:59:59 Pacific standard time on March 3, 2010.

[6-1-o]

[Footnote a](#)

S.C. 2009, c. 9, s. 26

[Footnote b](#)

S.C. 1992, c. 34

Date modified: 2011-10-01