



LEGISLATIVE FRAMEWORK

Environmental Protection Act (EPA)

The following excerpts are taken from the *Environmental Protection Act*, R.S.N.W.T. 1988, c.E-7 (section numbering below is as per the EPA).

1. Definitions

In this Act,

"contaminant" means any noise, heat, vibration or substance and includes such other substance as the Minister may prescribe that, where discharged into the environment,

- (a) endangers the health, safety or welfare of persons,
- (b) interferes or is likely to interfere with normal enjoyment of life or property,
- (c) endangers the health of animal life, or
- (d) causes or is likely to cause damage to plant life or to property;

"discharge" includes, but not so as to limit the meaning, any pumping, pouring, throwing, dumping, emitting, burning, spraying, spreading, leaking, spilling, or escaping;

"environment" means the components of the Earth and includes

- (a) air, land and water,
- (b) all layers of the atmosphere,
- (c) all organic and inorganic matter and living organisms, and
- (d) the interacting natural systems that include components referred to in paragraphs (a) to (c);

"inspector" means a person appointed under subsection 3(2) and includes the Chief Environmental Protection Officer.

"person" includes the successor, assignee, receiver, purchaser or agent of a corporation;

"substance" means any solid, liquid, gas, odour or organism or combination of any of them.

2.2 Powers of the Minister

The Minister may

- (a) establish, operate and maintain stations to monitor the quality of, and the discharge of contaminants into the environment in the Northwest Territories;
- (b) conduct research studies, conferences and training programs relating to contaminants and to the preservation, protection or enhancement of the environment;
- (c) develop, co-ordinate and administer policies, standards, guidelines and codes of practice relating to the preservation, protection or enhancement of the environment;

3.(2) Powers and duties of inspectors

The Chief Environmental Protection Officer may appoint inspectors and shall specify in the appointment the powers that may be exercised and the duties that may be performed by the inspector under this Act and regulations.

5. (1) Discharge of Contaminants

Subject to subsection (3), no person shall discharge or permit the discharge of a contaminant into the environment.

5. (3) Exceptions

Subsection (1) does not apply where the person who discharged the contaminant or permitted the discharge of the contaminant establishes that

- (a) the discharge is authorized by this Act or the regulations or by an order issued under this Act or the regulations;
 - (a.1) the discharge
 - (i) is authorized by an Act of the Parliament of Canada or the Northwest Territories or by regulations made under any of those Acts, and
 - (ii) is not addressed in this Act or the regulations or by an order issued under this Act or the regulations;
- (b) the contaminant has been used solely for domestic purposes and was discharged from within a dwelling house;
- (c) the contaminant was discharged from the exhaust system of a vehicle;
- (d) the discharge of the contaminant resulted from the burning of leaves, foliage, wood, crops or stubble for domestic or agricultural purposes;
- (e) the discharge of the contaminant resulted from burning for land clearing or land grading;
- (f) the discharge of the contaminant resulted from a fire set by a public official for habitat management or silviculture purposes;
- (g) the contaminant was discharged for the purposes of combating a forest fire;
- (h) the contaminant is a soil particle or grit discharged in the course of agriculture or horticulture; or
- (i) the contaminant is a pesticide classified and labelled as "domestic" under the *Pest Control Products Regulations* (Canada).

5. (4) Exceptions do not apply

The exceptions set out in subsection (3) do not apply where a person discharges a contaminant that the inspector has reasonable grounds to believe is not usually associated with a discharge from the excepted activity.

5.1. Environmental Emergency

Where a discharge of a contaminant into the environment in contravention of this Act or the regulations or the provisions of a permit or licence issued under this Act or the regulations occurs or a reasonable likelihood of such a discharge exists, every person causing or contributing to the discharge or increasing the likelihood of such a discharge, and the owner or the person in charge, management or control of the contaminant before its discharge or likely discharge, shall immediately:

- (a) subject to any regulations, report the discharge or likely discharge to the person or office designated by the regulations;
- (b) take all reasonable measures consistent with public safety to stop the discharge, repair any damage caused by the discharge and prevent or eliminate any danger to life, health, property or the environment that results or may be reasonably expected to result from the discharge or likely discharge; and
- (c) make a reasonable effort to notify every member of the public who may be adversely affected by the discharge or likely discharge.

6. (1) Order of Inspector

Where an inspector believes on reasonable grounds that a discharge of a contaminant in contravention of this Act or the regulations or a provision of a permit or license issued under this Act or the regulations has occurred or is occurring, the inspector may issue an order requiring any person causing or contributing to the discharge or the owner or the person in charge, management or control of the contaminant to stop the discharge by the date named in the order.

7. (1) Order to remedy or repair damage

Notwithstanding section 6, where a person discharges or permits the discharge of a contaminant into the environment, an inspector may order that person to repair or remedy any injury or damage to the environment that results from the discharge.

7. (2) Measures where failure to comply with order

Where a person fails or neglects to repair or remedy any injury or damage to the environment in accordance with an order made under subsection (1) or where immediate remedial measures are required to protect the environment, the Chief Environmental Protection Officer may cause to be carried out the measures that he or she considers necessary to repair or remedy an injury or damage to the environment that results from any discharge.

34. (1) Regulations

Subject to subsection (2), the Commissioner, on the recommendation of the Minister, may make regulations

- (e) respecting the reporting of discharges of contaminants or the likely discharge of contaminants.

SPILL CONTINGENCY PLANNING AND REPORTING REGULATIONS

The following is a subset of the Spill Contingency Planning and Reporting Regulations

- 9.** **(1)** The owner or person in charge, management or control of contaminants at the time a spill occurs shall immediately report the spill where the spill is of an amount equal to or greater than the amount set out in Schedule B (of the Regulations).
- (2)** Where there is a reasonable likelihood of a spill in an amount equal to or greater than the amount set out in Schedule B, the owner or person in charge, management or control of the contaminants shall immediately report the potential spill.
- 10.** A person reporting a spill shall contact the 24 Hour Spill Report Line by calling (867) 920-8130.
- 11.** **(1)** A person reporting a spill shall give as much of the following information as possible:
- (a) date and time of spill;
 - (b) location of spill;
 - (c) direction spill is moving;
 - (d) name and phone number of a contact person close to the location of spill;
 - (e) type of contaminant spilled and quantity spilled;
 - (f) cause of spill;
 - (g) whether spill is continuing or has stopped;
 - (h) description of existing containment;
 - (i) action taken to contain, recover, clean up and dispose of spilled contaminant;
 - (j) name, address and phone number of person reporting spill;
 - (k) name of owner or person in charge, management or control of contaminants at time of spill.
- (2)** No person shall delay reporting a spill because of lack of knowledge of any of the factors listed in subsection (1).
- 12.** No person shall knowingly make a false report of a spill or a potential spill.

[Spill Contingency Planning and Reporting Regulations](#)

GUIDELINE FOR HAZARDOUS WASTE MANAGEMENT

Definitions

Hazardous waste includes a contaminant which is no longer used for its original purpose and is intended for recycling, treatment, disposal or storage and is:

- e) Contaminated soil/snow/water from a contaminated site;

3.2 Hazardous Waste Types

(e) Contaminated soil/snow/water that is being removed from a contaminated site is managed as a hazardous waste in the NWT to ensure the material removed is transported to a registered receiving facility authorized to receive that waste.

Contaminated soil is soil, sand, gravel, rock or similar naturally occurring material that contains levels of contaminants exceeding the remediation criteria found in the Guideline for Contaminated Site Remediation. The hazardous waste management framework is not meant to be applied to activities that follow the tiered process or risk assessment or in-situ remediation according to the Guideline for Contaminated Site Remediation.

Contaminated soil may be exempt from the definition of hazardous waste where circumstances allow for:

- on-site remediation;
- re-use of petroleum hydrocarbon contaminated soil in an asphalt paving plant;
- re-use of soil that meets industrial criteria for landfill cover; or
- re-use of soil as industrial fill once a prior informed consent form has been completed.

Under these circumstances, the Environmental Protection and Waste Management Division needs to be contacted to confirm an alternative record of disposal is completed that provides an equivalent level of accountability to confirm the disposal does not contribute to the likely discharge of a contaminant.

Contaminated snow or water may contain mixtures or emulsions of waste fuel, used oil, solvents, antifreeze, or other types of hazardous waste. Contaminated snow or water is a hazardous waste if it contains any of the contaminants listed in Schedule I in a concentration greater than the corresponding amount.

If the contaminated water is suitable for disposal in a municipal sewage lagoon then it is not considered hazardous waste. It is important to check the municipal sewer by-law or with the municipality about their water license prior to disposing of contaminated water in a municipal sewage lagoon.

[Guideline for Hazardous Waste Management](#)

ADDITIONAL REFERENCES/LINKS

Territorial Statutes

[*Environmental Protection Act*](#)

[*Environmental Rights Act*](#)

[*Waters Act*](#)

[*Oil and Gas Operations Act*](#)

[*Transportation of Dangerous Goods Act*](#)

Guidelines

[Government of the Northwest Territories Approach to Contaminated Sites Management Guidelines for Spill Contingency Planning](#) (INAC 2007)

[Guideline for Petroleum Hydrocarbon-Contaminated Soil Treatment Facilities in the NWT](#) (MVLWB/GNWT 2020)

[A Guide to the Spill Contingency Planning and Reporting Regulations](#) (GNWT 2011)

[Guidelines for the Closure and Reclamation of Advanced Mineral and Exploration Mine Sites in the NWT](#) (MVLWB/INAC 2013)