

**Canadian Environmental Protection Act, 1999 Section 71
Notice with Respect to Reporting of Information on Air Pollutants,
Greenhouse Gases and Other Substances for 2006**

On December 8, 2007, the Government of Canada published a Notice under section 71 of the Canadian Environmental Protection Act, 1999 (CEPA 1999) in the Canada Gazette, Part I (Vol. 141, No. 49) with respect to reporting information on air pollutants, greenhouse gases and other substances (including toxic substances) for the 2006 calendar year. **This reporting is in addition to the National Pollutant Release Inventory (NPRI), Greenhouse Gas Emissions Reporting Program, and Ontario Regulation 127/01: Airborne Contaminant Discharge Monitoring and Reporting.**

Major industries must provide information on their emissions “that is essential to the development of proposed industrial air emissions regulations.” The Notice requires operators of facilities to report information by May 31, 2008 as part of the regulatory development process set out in the *Regulatory Framework for Air Emissions* released on April 26, 2007.

As shown below, fifteen industrial sectors have been targeted by the Notice. NAICS codes are not provided in the Notice. The table also shows the corresponding Schedule reference of the Notice that contains the sector specific information requirements.

| Sector | Schedule |
|--|-----------------|
| Alumina and Aluminium | 5 |
| Base Metal Smelting | 6 |
| Cement | 7 |
| Chemicals Manufacturing | 8 |
| Electricity | 9 |
| Iron, Steel, and Ilmenite Smelting | 10 |
| Iron Ore Pellets | 11 |
| Lime | 12 |
| Natural Gas Transmission, Distribution and Storage | 13 |
| Oil Sands | 14 |
| Petroleum Product Terminals | 15 |
| Petroleum Refining | 16 |
| Potash | 17 |
| Pulp and Paper | 18 |
| Upstream Oil and Gas | 19 |

Facilities that are subject to the Notice are legally obligated (i.e., enforced) to provide information in their possession and the information to which they may reasonably be expected to have access. This is similar to the NPRI criteria in that no additional emissions testing need be done.

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The information required by the Notice is sector-specific and includes administrative information, emissions, energy and fuel use, inputs and feedstocks, production, cogeneration, and information on pollution prevention activities. Operators of facilities that operate in more than one sector need to review each relevant sector Schedule of the Notice to determine the information requirements for that particular facility. Certain Schedules of the Notice specify additional criteria, such as production thresholds or substance release thresholds, to more specifically identify a facility.

Facilities that have already reported information required by the Notice to another Environment Canada reporting program (NPRI and/or the GHG Emissions Reporting Program) for the calendar year 2006 may refer to that information for purposes of the Notice (by reference to the specific sections of the Notice) instead of resubmitting that information, although the time saving this involves seems negligible.

As with the NPRI, operators must also submit a dated and signed 'statement of certification' declaring that all of the information required by the Notice has been submitted.

A General Guidance Document has recently been issued and sector-specific reporting forms are being developed. Targeted sectors shown on the table above that are not subject to the Notice based on criteria specific to their schedule are encouraged to submit a Declaration of Non-applicability, which is included as an Appendix to the General Guidance Document.

For more information, please visit:

http://www.ec.gc.ca/cleanair-airpur/Turning_the_Corner/CEPA_1999_Sec_71-WS074B0A75-1_En.htm

As the CEPA Section 71 reporting deadline of May 31, 2008 is fast approaching, ORTECH would be glad to assess the reporting requirements for your facility and would be pleased to assist you in the preparation and submission of your 2006 CEPA Section 71 report for your facility.

Should you have any questions on this or other issues with respect to CEPA Section 71 reporting, please do not hesitate to contact us at 1-877-774-6560 or info@ortech.ca or by contacting any of our consultants directly.