

Government of Nunavut
Environmental Protection Act
A Simplified Summary

Definitions:

Contaminant

Noise, heat, vibration, or substances that, when discharged into the natural environment:

- (i) endangers the health, safety or welfare of people,
- (ii) interferes with the normal enjoyment of life or property,
- (iii) endangers the health of animal life, or
- (iv) causes damage to plant life or to property.

Environment

The components of the Earth including:

- I. air, land and water,
- II. all layers of the atmosphere,
- III. all organic and inorganic matter and living organisms, and
- IV. the interacting natural systems that included all components mentioned above.

Person

Includes the successor, assignee, receiver, purchaser or agent of a corporation.

Application of the Act

- ❖ Binds the Government of Nunavut
- ❖ Applies to the whole Territory
- ❖ Does not apply to persons authorized under federal or other territorial legislation to conduct an activity which may contravene the EPA (eg. a mining water licence).

Administration

- ❖ The Minister may enter into agreements respecting administration and enforcement of the Act.
- ❖ The Minister may establish boards, committees or other bodies to provide advice.
- ❖ The Minister shall appoint a Chief Environmental Protection Officer.
- ❖ The Chief Environmental Protection Officer may appoint inspectors.
- ❖ Every member of the Royal Canadian Mounted Police and every Wildlife Officer appointed under the Wildlife Act is an inspector.

Discharge of Contaminants

No person shall discharge or permit the discharge of a contaminant into the environment except where the discharge is:

- (a) authorized under the Act or regulations,
- (b) a domestic contaminant discharge from within a dwelling-house,
- (c) from a vehicle exhaust system,
- (d) a result of burning for domestic, agricultural, habitat management or silviculture process,
- (e) for the purpose of combating a forest fire, or
- (f) a domestic pesticide.

Where a discharge occurs, the person must:

- (a) report the discharge,
- (b) take measures to stop the discharge and repair environmental damage, and
- (c) notify members of the public who may be affected.

Legal Instruments

Protection Orders

- (a) The Chief Environmental Protection Officer may order a person to:
- (i) install safeguards to prevent discharge,
 - (ii) site, transport or store contaminant, or
 - (iii) have equipment on hand to alleviate any effect of a discharge.
- (b) Inspectors may order a person to take preventative measures where a discharge is likely to occur.

Stop Orders

Where a discharge has occurred, an Inspector may order that the discharge be stopped.

Clean-Up Orders

Where a discharge has occurred, an Inspector may order the repair of damage caused to the environment

When clean-up orders are not complied with, the Chief Environmental Protection Officer may undertake the clean-up work.

Legal orders may be written or verbal.

Persons may appeal the issuance of an order to the Minister.

Unsightly Lands

- ❖ Land is unsightly where, on comparison with land of similar use, the Inspector believes it to be unsightly.
- ❖ Does not apply to lands within a municipality.
- ❖ Chief Environmental Protection Officer may order clean-up.
- ❖ Where an order is not complied with, the Chief Environmental Protection Officer may undertake the clean up.

Municipal By-Laws (Unsightly Lands)

- ❖ Municipal Councils may make by-laws respecting unsightly land.

Permits and Licences

- ❖ Minister may appoint a Controller of Licencing who, in turn, may issue permits and licenses.
- ❖ Activities requiring permits and licences are to be established through regulation.
- ❖ Terms and conditions may be attached to permits and licences as appropriate.
- ❖ Controller of Licensing may suspend a permit or licence when:
 - (a) fees are owing, or
 - (b) Controller believes a provision of the Act, permit or licence is being violated.
- ❖ A person may appeal to the Minister regarding:
 - (a) refusal
 - (b) inclusion of terms or conditions, or
 - (c) suspension of a permit or licence

Offences and Penalties

- ❖ Penalty provisions following conviction include:
 - (a) When a person contravenes the discharge section of stop/clean-up orders:
 - (i) first offence: may not exceed \$300K and/or six months imprisonment
 - (ii) subsequent offences: may not exceed \$1 million and/or two years.
 - (b) All other offences: may not exceed \$200K and/or six months imprisonment.
 - (c) Courts may make additional orders to secure an offenders good conduct
- ❖ Every day that a person contravenes this Act or a cleanup order issued under this Act is considered as a separate offence.
- ❖ Director of a corporation who is directed or participated in the offence may be guilty of the offence.
- ❖ Proceedings may be instituted within three years of the Chief Environmental Protection Officer becoming aware of the contravention.

Court Injunctions

- ❖ Where a person has contravened or is likely to contravene the Act, the Supreme Court may order the person to :
 - a) refrain from doing that activity, or
 - b) undertake actions which may prevent any further contravention.

Recovery of Costs and Expenses

- ❖ Where the Government has undertaken measures under the Act on behalf of a person, reasonable costs and expenses may be recovered from that person.

Powers of Inspectors

Trespass

An Inspector may pass over public or private lands without being liable for trespassing.

Inspection

An Inspector may enter and inspect any place or vehicle, other than a dwelling house, for the administration of the Act.

Search

Upon application, a Court may issue a warrant to enter and search a place or vehicle where evidence of a contravention may be found.

Seizure

An inspector may seize an item(s) when it is believed the item(s) will provide evidence of a contravention.

Regulations

- ❖ Regulation-making authority is expanded.
- ❖ Public consultation must be undertaken for all proposed regulations involving permits, licences and appeals.