

# POLLUTION: How to Comply with the NPRI Reporting Requirements



June 1 is an important environmental compliance date for some facilities. Why? Because certain facilities are required by federal law to report their annual releases of designated pollutants to a national database, the National Pollutant Release Inventory (NPRI), by that date. This publicly accessible inventory contains information on releases of pollutants into the air, water and land, and disposals and off-site transfers of designated substances for recycling. Here's a look at the NPRI and four steps to take to ensure that your company complies with the reporting requirements, if applicable.

## NPRI 101

Sec. 48 of Part 3 of the *Canadian Environmental Protection Act, 1999* (CEPA) requires the federal Minister of the Environment to 'establish a national inventory of releases of pollutants.' The NPRI was created to fulfill that requirement. The specific NPRI reporting requirements for each calendar year change. The government publishes them in a notice in the *Canada Gazette*. The reporting requirements for the 2014 and 2015 reporting years were published on July 12, 2014.

The notice is divided into four parts or 'schedules':

1. Schedule #1 lists all substances and groups of substances included in the NPRI and is broken into five parts according to the type of substance and the reporting criteria;
2. Schedule #2 includes the definitions of key terms, such as 'facility' and 'by-product';
3. Schedule #3 covers the general reporting criteria, including which facilities are generally subject to the reporting requirements and any exclusions, and the specific reporting criteria for all substances and groups of substances; and
4. Schedule #4 outlines the information that must be submitted by owners/operators whose facilities meet the reporting criteria and how that information must be reported.

Several changes have been made to the NPRI reporting requirements, which are in effect as of the 2014 calendar year:

**Substances added to the NPRI Substance List.** 2-(2-Methoxyethoxy) ethanol (Chemical Abstracts Registry Number (CAS RN) 111-77-3) has been added to the list of Schedule 1, Part 1, Group A substances (10-tonne mass threshold, 1% concentration threshold). In addition, thallium (and its compounds) has been added to the list of Part 1, Group B substances (100 kilogram mass threshold, 1% concentration threshold).

**Reduced thresholds.** Eight substances or substance groups have been moved from Part 1, Group A to Part 1, Group B. The mass threshold for these substances has been reduced from 10 tonnes and, in some cases, the concentration threshold has been reduced from 1%.

**Quinoline.** Quinoline (CAS RN 91-22-5) has been moved from Part 1, Group A to Part 2 (polycyclic aromatic hydrocarbons). The 10-tonne mass threshold has been reduced to 50 kilograms for total polycyclic aromatic hydrocarbons, including quinoline, and 5 kilograms for reporting quinoline itself.

**Deleted substances.** Five substances have been removed from the Part 1, Group A list. NPRI reporting requirements no longer apply to these substances:

- Allyl chloride (CAS RN 107-05-1);
- C.I. Solvent Orange 7 (CAS RN 3118-97-6);
- 3-Chloro-2-methyl-1-propene (CAS RN 563-47-3);
- Ethyl chloroformate (CAS RN 541-41-3); and
- 1-Bromo-2-chloroethane (CAS RN 107-04-0).

**Total reduced sulphur.** The requirement to report releases to land and water, disposals and transfers for recycling for total reduced sulphur has been removed. Only releases of total reduced sulphur to air are required to be reported.

**Underground releases.** Effective for 2014 reporting, it has been made explicit that releases to land are to include both underground and surface releases. The quantity released to land is to be stated separately by spills, leaks or other releases to land that are not disposals. In addition, if a quantity is reported under the category 'other releases to land that are not disposals,' the nature of the releases must be specified.

The quantity to be reported as a land release for a given reporting year is the quantity of the substance that was released during that year and *not* recovered. If a portion of the release is recovered prior to the end of the calendar year, the net quantity released is to be reported—that is, the quantity released minus the quantity recovered. Comments on the quantity recovered during the year should also be reported. Such comments are important for an accurate understanding of the quantity of the substance remaining in the environment after its release. Quantities that are released to land, recovered and then disposed of or transferred off-site for recycling must also be reported accordingly.

#### TAKE 4 STEPS

Because complying with the NPRI reporting requirements is complicated, the NPRI website provides guidance to help companies. For example, it's published a guide to the reporting requirements for 2014 and 2015. According to this guide, companies should take the following steps to ensure compliance with the

reporting requirements:

[learn\_more caption="Step #1: Determine if Your Facilities Are Subject to Reporting Requirements"]

First, determine whether your company's facilities are required to report to the NPRI. In general, an NPRI report is required for any facility:

- Where employees work a total of  $\geq 20\,000$  hours (the 'employee threshold');
- Where specified activities to which the employee threshold doesn't apply take place;
- Where the employee threshold isn't met, but the reporting criteria for criteria air contaminants (CACs) are met; or
- That's a pipeline installation; AND
- That meets any of the other reporting criteria (mass, concentration or activity thresholds).

Two types of facilities are exempt from reporting to the NPRI:

- Facilities used exclusively for oil and gas exploration or the drilling of oil and gas wells. All activities from initial exploration until the well is put into production fall under the exemption; and
- Pits and quarries where annual production is less than 500,000 tonnes.

*Who* is actually required to submit the report for covered facilities? The owner or operator of a facility that's subject to the NPRI reporting requirements as of Dec. 31<sup>st</sup> of a given year is required to report to the NPRI, whether the ownership of the facility changes during the calendar year. If operations at a facility are terminated during the calendar year, it's the last owner or operator of the facility that must report.

**Insider Says:** If you were required to submit a report for 2013, it's likely that you'll have to do so again for 2014, but not always. If your facility doesn't have to report its emissions for 2014, you must still submit an online report by June 1, 2015 stating that the facility doesn't meet the 2014 reporting criteria. [/learn\_more]

[learn\_more caption="Step #2: Collect Information Needed for the Report"]

If you determine that one or more of your company's facilities are subject to the reporting requirements, collect the information needed for the reports. If the facility's emissions are already monitored or measured under provincial or federal law, or a municipal bylaw, those measurements must be used to report to the NPRI. If its emissions *aren't* monitored or measured under another environmental law, you must undertake reasonable efforts to gather information on releases, disposals and transfers of a designated substance.

What's 'reasonable' depends on individual circumstances, but may include additional monitoring for NPRI substances. In deciding whether additional efforts should be undertaken to generate new information for the purposes of NPRI reporting, the following factors, among others, should be considered:

- The health and environmental risks posed by a substance, including whether the substance has been declared toxic under CEPA;
- The relative contribution of the industrial sector to releases, disposals

- and transfers for recycling of a substance in Canada;
- The relative contribution of the facility to releases, disposals and transfers for recycling of a substance in Canada; and
- The cost of additional monitoring.

The NPRI guide notes that estimates of the quantity of a substance that's manufactured, processed or otherwise used, and of the quantity that's released, disposed of or transferred for recycling, may be based on one of the following methods:

- Continuous emission monitoring systems;
- Predictive emission monitoring;
- Source testing;
- Mass balance;
- Site-specific emission factor;
- Published emission factor; or
- Engineering estimates.[\[/learn\\_more\]](#)

[\[learn\\_more caption="Step #3: File Report with the NPRI"\]](#)

If you have to submit NPRI reports for one or more of your company's facilities, do so online through Environment Canada's Single Window System. The information you must report is divided into three categories:

**Contact information.** For each of the following, you must provide the name, position, mailing address, telephone number and email address:

- *Technical contact*: the person who prepared the report and will be able to answer any questions about its contents. All correspondence from Environment Canada regarding the NPRI will be sent to the technical contact if no coordinator is identified;
- *Public contact* (if any): the person responsible for answering any questions from the public about the report. This name will appear on the NPRI website as the contact for the facility. If a public contact isn't identified, the name of the coordinator or technical contact will appear instead;
- *Coordinator* (if any): the person who's responsible for preparing and submitting NPRI reports for more than one facility for the same company. Coordinators are responsible for answering any questions concerning all of the NPRI reports they filed. All NPRI correspondence from Environment Canada will be sent to the coordinator, if one's identified;
- *Certifying official*: the person who's legally responsible for the contents of the report. The certifying official is usually the owner or operator, or a company official authorized to act on his/her behalf; and
- *Independent contractor* (if any): if an independent contractor prepared the report, its contact information must be provided, including the name of the contracting company.

**Facility-related information.** The general facility-related information required includes:

- The facility's name and location;
- The number of fulltime workers;
- Information on the facility's company and parent company (if any);
- The facility's NPRI identification number;
- The 6-digit North American Industry Classification System (NAICS) Canada

- code of the facility; and
- Information on the facility's pollution prevention plan, including whether and why the plan was prepared, whether an existing plan was updated and whether the plan addressed substances, energy conservation or water conservation.

Other facility information may also be required, depending on the type of facility and the substances reported.

**Substance-related information.** The specific information that you must report for each group of NPRI substances varies. But in general, the report must include:

- The name of the substance and its Chemical Abstracts Service (CAS) number;
- The nature of its use;
- The quantities released onsite;
- The quarterly breakdown of onsite releases;
- The quantities disposed of;
- The quantities transferred off-site for recycling; and
- The anticipated releases, disposals and transfers for recycling over the next three years.

In addition to the above information, a Statement of Certification must be electronically signed and submitted with the NPRI report using the on-line reporting system. The certifying official, who's legally responsible for the contents of the NPRI report, should verify that the information submitted is true, complete and accurate, and acknowledge that the data will be made public.[\[/learn\\_more\]](#)

[\[learn\\_more caption="Step #4: Retain All Report Information"\]](#)

Sec. 46(8) of CEPA requires the owner/operator of a facility to retain copies of all information on which its report is based, including any calculations, measurements and other related data, for three years. This information must be kept at the facility or at the principal place of business in Canada of the owner/operator of the facility to which the information relates.[\[/learn\\_more\]](#)

### **BOTTOM LINE**

Because the federal government uses the information in the NPRI to, among other things, develop targeted regulations for reducing releases of toxic substances and air pollutants, it's important for required facilities to comply with the NPRI reporting requirements and do so accurately. If you need additional incentive, failing to report, reporting late or knowingly submitting false or misleading information to the NPRI can result in fines.