

deposit, may enter such water. The prohibition would apply to substances entering Canadian fisheries waters after first having been transported through the air.

Subsection 33(11) defines a deleterious substance very broadly, and it can further be defined by regulations of the federal government.

The prohibition against pollution does not need regulations to activate it. However, there is no contravention of the subsection if the deposit of a deleterious substance is authorized under regulations made pursuant to the Act or pursuant to any other Act of the Parliament of Canada. The section imposes strict civil liability for clean-up on owners as well as operators of a polluting source and the liability is joint and several. The Act also authorizes the Minister to take preventive measures or with the approval of the government, to direct the closing of a work responsible for pollution.

Penalties under the Act can go as high as \$50,000 for each day, for the first offence, and up to \$100,000 for second and subsequent offences.

#### Criminal Code

Under section 179 of the Criminal Code, a person who does an unlawful act or fails to discharge a legal duty and thereby endangers the life, safety, health, property or comfort of the public, is guilty of an indictable offence called "common nuisance", and is liable to imprisonment for up to two years.

#### Federal Environmental Review Process

Procedures have been published setting forth guidelines for preparation of environmental review documentation on federal programs and projects, including projects financially assisted by the federal government including those with transboundary impacts. Preparation of such documentation is mandatory for programs and projects of departments of the federal government.

### 5. Provincial Legislation

#### Introduction

The federal Clean Air Act applies when there is a significant danger to human health or when an international obligation is involved. However, responsibility for ambient air quality control in Canada generally rests with the provincial governments. For the sake of brevity, this