

**Environmental Protection Act  
Loi sur la protection de l'environnement**

**ONTARIO REGULATION 419/05  
AIR POLLUTION — LOCAL AIR QUALITY**

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*This Regulation is made in English only.*

Skip Table of Contents

**CONTENTS**

**PART I  
INTERPRETATION AND APPLICATION**

<a href="#">1.</a>	Definitions
<a href="#">2.</a>	Points of impingement
<a href="#">3.</a>	Multiple discharges
<a href="#">4.</a>	Adjacent properties
<a href="#">5.</a>	Exemptions
<a href="#">5.1</a>	Application of notices

**PART II  
CONTAMINANT CONCENTRATIONS AND DISPERSION MODELLING**

[DISPERSION MODELS](#)

<a href="#">6.</a>	Approved dispersion models
<a href="#">7.</a>	Specified dispersion models
<a href="#">8.</a>	Negligible sources of contaminant
<a href="#">9.</a>	Same structure contamination
<a href="#">10.</a>	Operating conditions
<a href="#">11.</a>	Source of contaminant emission rates
<a href="#">12.</a>	Combined effect of assumptions for operating conditions and emission rates
<a href="#">13.</a>	Meteorological data
<a href="#">13.1</a>	Determining the value of dispersion model parameters
<a href="#">14.</a>	Area of modelling coverage
<a href="#">15.</a>	Stack height for certain new sources of contaminant
<a href="#">16.</a>	Terrain data
<a href="#">17.</a>	Averaging periods
<a href="#">17.1</a>	Compliance with modelling requirements

[CONTAMINANT CONCENTRATION STANDARDS](#)

<a href="#">19.</a>	Schedule 2 standards
<a href="#">20.</a>	Schedule 3 standards
<a href="#">20.1</a>	Sulphur compounds
<a href="#">20.2</a>	Dimethyl disulphide from regulated pesticide
<a href="#">20.3</a>	Agricultural operations and alarms systems
<a href="#">20.4</a>	Standby power sources
<a href="#">21.</a>	More stringent standards in environmental compliance approval
	<a href="#"><u>EMISSION SUMMARY AND DISPERSION MODELLING REPORTS</u></a>
<a href="#">22.</a>	Requirement for ESDM report: environmental compliance approval
<a href="#">23.</a>	Requirement for ESDM report before implementation of Schedule 3 standards
<a href="#">24.</a>	Additional obligations to prepare ESDM report
<a href="#">25.</a>	Update of ESDM report
<a href="#">26.</a>	Contents of ESDM report
<a href="#">27.</a>	Retention of ESDM report, etc.

[TECHNOLOGY REPORTS](#)

<a href="#">27.1</a>	Technology reports
	<a href="#"><u>NOTICE OF POSSIBLE CONTRAVENTIONS</u></a>
<a href="#">28.</a>	Notice to provincial officer as a result of modelling or measurements

<a href="#">29.</a>	Abatement plan
<a href="#">30.</a>	Upper risk thresholds
<a href="#">31.</a>	Obligations under another Act; failure to operate in normal manner
	<a href="#">SITE-SPECIFIC CONTAMINANT CONCENTRATION STANDARDS</a>
<a href="#">32.</a>	Request for site-specific standard
<a href="#">33.</a>	Information to be included with request
<a href="#">34.</a>	Public meeting before request
<a href="#">34.1</a>	Public meeting required by Director
<a href="#">35.</a>	Approval of request to set site-specific standard
<a href="#">36.</a>	Amendments related to site-specific standard
<a href="#">37.</a>	Revocation of site-specific standard
<a href="#">37.1</a>	Transition
	<a href="#">TECHNICAL STANDARDS FOR CLASSES OF FACILITIES</a>
<a href="#">38.</a>	Technical Standards publication
<a href="#">39.</a>	Registration
<a href="#">40.</a>	Revocation of registration
<a href="#">41.</a>	Availability of Technical Standards Registry – Air Pollution
<a href="#">42.</a>	Industry standards
<a href="#">43.</a>	Equipment standards
<a href="#">44.</a>	Combination of industry standards and equipment standards
	<a href="#">PART III</a> <b>MISCELLANEOUS</b>
<a href="#">45.</a>	Prohibition of certain emissions
<a href="#">46.</a>	Opacity
<a href="#">47.</a>	Obligations under another Act; failure to operate in normal manner
<a href="#">48.</a>	Fuel or waste for fuel burning equipment, etc.
<a href="#">49.</a>	Construction and sandblasting emissions, etc.
<a href="#">50.</a>	Incinerators
<a href="#">51.</a>	Air Pollution Index
<a href="#">52.</a>	Amendment or revocation of notices
<a href="#">53.</a>	Compliance with notice
<a href="#">54.</a>	Form of submissions
<a href="#">Schedule 2</a>	Updated standards with half hour averaging periods
<a href="#">Schedule 3</a>	Standards with variable averaging periods
<a href="#">Schedule 4</a>	Target sectors for 2010
<a href="#">Schedule 5</a>	Target sectors for 2013
<a href="#">Schedule 6</a>	Upper risk thresholds
<a href="#">Schedule 7</a>	Contaminants with updated standards
<a href="#">Schedule 8</a>	Dioxins, furans and dioxin-like pcbs

## PART I INTERPRETATION AND APPLICATION

### Definitions

1. (1) In this Regulation,

“air pollution episode” means an occasion when air contamination is at such a level and for such a period of time that the air contamination may become the cause of increased human sickness and mortality;

“air pollution index” means a series of numbers expressing the relative levels of air pollution and taking into consideration one or more air contaminants;

“Appendix to Regulation 346” means the Appendix to Regulation 346 of the Revised Regulations of Ontario, 1990 (General — Air Pollution) made under the Act, as that regulation read immediately before it was revoked on November 30, 2005;

“ASHRAE method of calculation” means the method of calculation described in Chapter 44 (Building Air Intake and Exhaust Design) of the 2003 ASHRAE Handbook — HVAC Applications, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, as amended from time to time;

“CAS No.” means the numerical identifier assigned by Chemical Abstracts Service;

“dioxins, furans and dioxin-like PCBs” means the contaminants listed in Schedule 8;

“equipment” includes apparatus, device, mechanism or structure;

“equipment standard” means a technical standard that is identified in the Technical Standards publication as an equipment standard;

“emission rate” means a rate that expresses discharges of a contaminant in units of mass over time;

“fuel burning equipment” includes equipment designed to burn fuel but does not include an internal combustion engine;

“highway” means highway as defined in subsection 1 (1) of the *Highway Traffic Act*;

“industry standard” means a technical standard that is identified in the Technical Standards publication as an industry standard;

“mercaptan” means any organic compound that contains a thiol group;

“mineral spirits” means a petroleum distillate mixture of C7 to C12 alkanes (paraffins) and cycloalkanes (naphthenes) where the mixture is in the range from 5 to 20 per cent aromatics by weight, is less than 0.1 per cent benzene by weight, has a boiling point in the range from 130 to 220 degrees Celsius and has a flash point in the range from 21 to 60 degrees Celsius;

“NAICS” means the North American Industry Classification System maintained for Canada by Statistics Canada, as amended or revised from time to time;

“reduced sulphur compound” includes dimethyl disulphide, dimethyl sulphide, hydrogen sulphide and mercaptans;

“technical standard” includes, with respect to the Technical Standards publication and a facility, any requirement set out in that publication relating to technology used at the facility, the operation of the facility, the monitoring and reporting of information relating to the facility, and any other related matter;

“Technical Standards publication” means the document entitled “Technical Standards to Manage Air Pollution” dated December 4, 2009, as amended from time to time, that is published by the Minister and that is available through a website maintained by the Ministry on the Internet and through the Ministry’s Public Information Centre;

“thermal treatment” includes incineration, gasification, pyrolysis or plasma arc treatment;

“total reduced sulphur (TRS) compounds” means a mixture that includes at least one reduced sulphur compound;

“volumetric flow rate” means a rate that expresses discharges from a source of contaminant in units of volume over time. O. Reg. 419/05, s. 1 (1); O. Reg. 112/07, s. 1 (1, 2); O. Reg. 516/07, s. 1 (1); O. Reg. 507/09, s. 1 (1); O. Reg. 282/11, s. 1 (1).

(2) For the purposes of this Regulation,

- (a) a fossil-fuel electric power generation facility with a maximum electrical power output capacity of less than 25 megawatts shall be deemed not to be part of the class identified by NAICS code 221112 (Fossil-Fuel Electric Power Generation);
- (b) a mobile PCB destruction facility within the meaning of Regulation 352 of the Revised Regulations of Ontario, 1990 (Mobile PCB Destruction Facilities) made under the Act shall be deemed not to be part of the class identified by NAICS code 5622 (Waste Treatment and Disposal); and
- (c) subject to clause (b), a facility shall be deemed not to be part of the class identified by NAICS code 5622 (Waste Treatment and Disposal) unless the facility,
  - (i) is a solid waste combustor or is used to subject solid waste to another method of thermal treatment, or
  - (ii) is used for hazardous waste treatment or disposal. O. Reg. 419/05, s. 1 (2); O. Reg. 112/07, s. 1 (3).

(2.0.1) For the purposes of this Regulation, an amount (or concentration) of a metal’s compounds is the sum of the amounts (or concentrations) of that metal in those compounds. O. Reg. 282/11, s. 1 (2).

(2.0.2) For the purposes of this Regulation, an amount (or concentration) of dioxins, furans and dioxin-like PCBs shall be calculated in accordance with the following rules:

1. For each contaminant listed in Schedule 8, calculate the Toxicity Equivalent (TEQ) by multiplying the amount (or concentration) of the contaminant by the Toxic Equivalency Factor set out opposite the contaminant in that Schedule.
2. The amount (or concentration) of dioxins, furans and dioxin-like PCBs is the sum of all the Toxicity Equivalents calculated under paragraph 1. O. Reg. 282/11, s. 1 (3).

(2.1) References in this Regulation to mercaptans are expressed as methyl mercaptan and, for the purposes of this Regulation, an amount (or concentration) of total mercaptans shall be calculated in accordance with the following formula:

$$A = \sum ((B \times 48) \div C)$$

where,

A = the amount (or concentration) of total mercaptans,

B = the amount (or concentration) of each mercaptan,

C = the molecular weight of each mercaptan. O. Reg. 516/07, s. 1 (2); O. Reg. 507/09, s. 1 (2).

(2.2) References in this Regulation to nitrogen oxides are expressed as nitrogen dioxide and, for the purposes of this Regulation, an amount (or concentration) of nitrogen oxides shall be calculated in accordance with the following formula:

$$A = (B \times 1.53) + C$$

where,

A = the amount (or concentration) of nitrogen oxides,

B = the amount (or concentration) of nitric oxide,

C = the amount (or concentration) of nitrogen dioxide. O. Reg. 516/07, s. 1 (2).

(2.3) References in this Regulation to phosphoric acid are expressed as total phosphoric acid and, for the purposes of this Regulation, an amount (or concentration) of total phosphoric acid shall be calculated in accordance with the following formula:

$$A = B + (C \times 1.40)$$

where,

A = the amount (or concentration) of total phosphoric acid,

B = the amount (or concentration) of phosphoric acid,

C = the amount (or concentration) of phosphoric pentoxide. O. Reg. 516/07, s. 1 (2).

(2.4) For the purposes of this Regulation, an amount (or concentration) of total reduced sulphur (TRS) compounds shall be calculated as the sum of the amounts (or concentrations) of the reduced sulphur compounds. O. Reg. 516/07, s. 1 (2).

(3) In the Appendix to Regulation 346,

“point of emission” has the same meaning as in Regulation 346 of the Revised Regulations of Ontario, 1990 (General — Air Pollution) made under the Act, as that regulation read immediately before it was revoked on November 30, 2005. O. Reg. 419/05, s. 1 (3).

#### **Points of impingement**

**2.** (1) A reference in this Regulation to a point of impingement with respect to the discharge of a contaminant does not include any point that is located on the same property as the source of contaminant. O. Reg. 419/05, s. 2 (1).

(2) Despite subsection (1), a reference in this Regulation to a point of impingement with respect to the discharge of a contaminant includes a point that is located on the same property as the source of contaminant, if that point is located on,

(a) a child care facility; or

(b) a structure, if the primary purpose of the property on which the structure is located, and of the structure, is to serve as,

(i) a health care facility,

(ii) a senior citizens' residence or long-term care facility, or

(iii) an educational facility. O. Reg. 419/05, s. 2 (2).

#### **Multiple discharges**

**3.** (1) For the purposes of this Regulation, except section 46, two or more discharges of a contaminant from two or more different sources of contaminant shall be deemed to be a single discharge if the sources of contaminant are all located on the same property. O. Reg. 419/05, s. 3 (1); O. Reg. 282/11, s. 2.

(2) If two or more persons discharge or cause or permit two or more discharges of a contaminant and the discharges are deemed to be a single discharge under subsection (1), the single discharge shall be deemed, for the purposes of this Regulation, to be discharged jointly by those persons. O. Reg. 419/05, s. 3 (2).

#### **Adjacent properties**

**4.** (1) Two properties are adjacent for the purposes of this Regulation if the boundary of one property touches or, were it not for an intervening highway, road allowance, railway line, railway allowance or utility corridor, would touch the boundary of the other property. O. Reg. 419/05, s. 4 (1).

(2) For the purposes of this Regulation, except section 46, two or more properties on which different sources of contaminant are located shall be deemed to be a single property if each of the properties is adjacent to one or more of the other properties and,

(a) the persons responsible for the sources of contaminant have jointly notified the Director in writing that they wish the properties to be deemed to be a single property with respect to all contaminants;

- (b) the Director has reasonable grounds to believe that a contravention of section 19 or 20 may occur as a result of discharges of a contaminant from the different sources of contaminant if the properties are deemed to be a single property, and the Director has given written notice of that belief to the persons responsible for the sources of contaminant;
- (b.1) the persons responsible for the sources of contaminant are required to prepare a report to which subsection 22 (1.1) applies, the Director has reasonable grounds to believe that a contravention of section 19 may occur as a result of discharges of a contaminant from the different sources of contaminant if section 19 applies and the properties are deemed to be a single property, and the Director has given written notice of that belief to the persons responsible for the sources of contaminant; or
- (c) the persons responsible for the sources of contaminant are required to prepare a report to which subsection 22 (1.2), 23 (3), 24 (2), 30 (5) or 33 (6) applies, the Director has reasonable grounds to believe that a contravention of section 20 may occur as a result of discharges of a contaminant from the different sources of contaminant if section 20 applies and the properties are deemed to be a single property, and the Director has given written notice of that belief to the persons responsible for the sources of contaminant. O. Reg. 419/05, s. 4 (2); O. Reg. 605/05, s. 1 (1, 2); O. Reg. 507/09, s. 2; O. Reg. 282/11, s. 3.

(2.1) Subject to subsection (2.2), clause (2) (a) does not begin to apply until 60 days after the Director receives the notice referred to in that clause. O. Reg. 605/05, s. 1 (3).

(2.2) Clause (2) (a) does not apply if the Director has reasonable grounds to believe that an adverse effect may occur if one or more of the properties are excluded from the single property and gives written notice of that belief to the persons responsible for the sources of contaminant. O. Reg. 605/05, s. 1 (3).

(2.3) The Director shall not give a person a notice under subsection (2.2) unless the Director first gives the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 605/05, s. 1 (3).

(3) Before the Director gives a person a notice under clause (2) (b), (b.1) or (c), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 4 (3); O. Reg. 516/07, s. 2.

(4) Subsection (2) applies only if every property on which a source of contaminant is located,

(a) uses raw materials, products or services from one or more of the other properties on which the sources of contaminant are located; or

(b) provides raw materials, products or services to one or more of the other properties on which the sources of contaminant are located. O. Reg. 419/05, s. 4 (4).

(5) Clause (2) (c) only applies for the purpose of preparing the report referred to in that clause. O. Reg. 419/05, s. 4 (5).

#### **Exemptions**

**5.** This Regulation does not apply to,

(a) discharges of contaminants from motor vehicles; or

(b) discharges of heat, sound or vibration. O. Reg. 507/09, s. 3.

#### **Application of notices**

**5.1** A notice given by the Director under this Regulation may provide that it applies to one or more contaminants. O. Reg. 507/09, s. 3.

## **PART II CONTAMINANT CONCENTRATIONS AND DISPERSION MODELLING**

### **DISPERSION MODELS**

#### **Approved dispersion models**

**6.** (1) For the purposes of this Part, the following are approved dispersion models for discharges of a contaminant, except as otherwise provided:

1. The AERMOD dispersion model made available on the Internet by the United States Environmental Protection Agency, as amended from time to time, or a copy of that model that is available from the Ministry.
2. The ASHRAE method of calculation.
3. REVOKED: O. Reg. 507/09, s. 4 (1).
4. The SCREEN3 dispersion model made available on the Internet by the United States Environmental Protection Agency, as amended from time to time, or a copy of that model that is available from the Ministry.

5. The method of calculation required by the Appendix to Regulation 346, if section 19 applies to the discharges. O. Reg. 516/07, s. 3; O. Reg. 507/09, s. 4 (1, 2).

(2) The Ministry shall make copies of the approved dispersion models referred to in paragraphs 1, 4 and 5 of subsection (1) available through a website maintained by the Ministry on the Internet or through the Ministry's Public Information Centre. O. Reg. 516/07, s. 3; O. Reg. 507/09, s. 4 (3).

#### **Specified dispersion models**

7. (1) The Director may give written notice to a person who discharges or causes or permits the discharge of a contaminant from a property stating that the Director is of the opinion that, with respect to discharges of the contaminant from that property,

- (a) one or more dispersion models specified in the notice would predict concentrations of the contaminant at least as accurately as an approved dispersion model;
- (b) a combination specified in the notice of two or more dispersion models would predict concentrations of the contaminant at least as accurately as an approved dispersion model;
- (c) a combination specified in the notice of one or more dispersion models and one or more sampling and measuring techniques would predict concentrations of the contaminant at least as accurately as an approved dispersion model; or
- (d) one or more approved dispersion models specified in the notice would predict concentrations of the contaminant less accurately than,
  - (i) a dispersion model or combination specified under clause (a), (b) or (c), or
  - (ii) another approved dispersion model. O. Reg. 419/05, s. 7 (1); O. Reg. 507/09, s. 5 (1).

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 7 (2).

(3) If a notice is given under subsection (1) with respect to discharges of a contaminant from a property, a reference in this Part to an approved dispersion model shall be deemed, with respect to those discharges,

- (a) to include a dispersion model or combination specified under clause (1) (a), (b) or (c); and
- (b) not to include a dispersion model that is specified under clause (1) (d). O. Reg. 419/05, s. 7 (3).

(4) REVOKED: O. Reg. 507/09, s. 5 (2).

(5) Subsection (3) does not apply to a discharge of a contaminant until,

- (a) three months after the notice is given under subsection (1), unless clause (b) applies; or
- (b) one year after the notice is given under subsection (1), if the notice includes a notice under clause (1) (c). O. Reg. 419/05, s. 7 (5).

(6) Subsection (5) does not apply for the purpose of preparing a report to which subsection 22 (1.1) or (1.2), 23 (3), 24 (2), 30 (5) or 33 (6) applies. O. Reg. 419/05, s. 7 (6); O. Reg. 605/05, s. 2 (1); O. Reg. 507/09, s. 5 (3).

(7) Subsection (5) does not apply to a discharge of a contaminant if subsection (3) would have the effect of permitting the discharge. O. Reg. 419/05, s. 7 (7).

(8) If a notice is given to a person under subsection (1) and section 20 does not apply to the person in respect of a contaminant, subsection (3) applies to the person in respect of the contaminant only after section 20 begins to apply to the person in respect of the contaminant. O. Reg. 419/05, s. 7 (8).

(9) Despite subsection (8), if a notice is given to a person under subsection (1) and section 20 does not apply to the person in respect of a contaminant, subsection (3) applies to the person in respect of the contaminant for the purpose of preparing a report to which subsection 22 (1.2), 23 (3), 24 (2), 30 (5) or 33 (6) applies. O. Reg. 419/05, s. 7 (9); O. Reg. 605/05, s. 2 (2); O. Reg. 507/09, s. 5 (4).

(10) If a notice given under subsection (1) is amended by a notice given under section 52, the notice under section 52 takes effect, and subsection (3) begins to apply to the amended notice,

- (a) three months after the notice is given under section 52, unless clause (b) or (c) applies;
- (b) one year after the notice is given under section 52, if the amendment adds a statement described in clause (1) (c) to the notice given under subsection (1), unless clause (c) applies; or
- (c) on the day the notice is given under section 52, if the application of subsection (3) to the amended notice would have the effect of permitting a discharge that would otherwise be prohibited. O. Reg. 507/09, s. 5 (5).

(11) If a notice given under subsection (1) is revoked by a notice given under section 52, the notice under section 52 takes effect, and subsection (3) ceases to apply to discharges of the contaminant,

- (a) three months after the notice is given under section 52, unless clause (b) applies; or
- (b) on the day the notice is given under section 52, if the revocation of the notice given under subsection (1) would have the effect of permitting a discharge that would otherwise be prohibited. O. Reg. 507/09, s. 5 (5).

(12) REVOKED: O. Reg. 507/09, s. 5 (5).

#### **Negligible sources of contaminant**

**8.** (1) It is not necessary, when using an approved dispersion model for the purposes of this Part, to consider a source of contaminant that discharges a negligible amount of the relevant contaminant, having regard to,

- (a) the total amount of the contaminant that is discharged by all the sources of contaminant with which the approved dispersion model is used; and
- (b) the nature of the contaminant. O. Reg. 419/05, s. 8 (1).

(2) Despite subsection (1), the Director may give written notice to a person who discharges or causes or permits discharges of a contaminant requiring the person to consider a source of contaminant specified in the notice in accordance with the notice when the person uses an approved dispersion model for the purposes of this Part, if,

- (a) the Director has reasonable grounds to believe that, if the source of contaminant is considered, the person may contravene section 19 or 20; or
- (b) sections 19 and 20 do not apply to discharges of the contaminant and the Director has reasonable grounds to believe that, if the source of contaminant is considered, a discharge of the contaminant may cause an adverse effect. O. Reg. 507/09, s. 6.

(3) Before the Director gives a person a notice under subsection (2), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 8 (3).

#### **Same structure contamination**

**9.** (1) The following approved dispersion models are the only approved dispersion models that may be used for the purposes of this Part with respect to the contaminant and a point of impingement that is located on the same structure as the source of contaminant:

1. The ASHRAE method of calculation.
2. A dispersion model or combination of dispersion models that, pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, if the notice given under subsection 7 (1) states that the Director is of the opinion that the dispersion model or combination of dispersion models would predict concentrations of the contaminant at least as accurately as the ASHRAE method of calculation.
3. The method of calculation required by the Appendix to Regulation 346, if section 19 applies to discharges of the contaminant. O. Reg. 516/07, s. 5; O. Reg. 507/09, s. 7.

(2) The ASHRAE method of calculation may be used for the purposes of this Part with respect to a contaminant only with respect to a point of impingement that is located on the same structure as the source of contaminant. O. Reg. 516/07, s. 5.

#### **Operating conditions**

**10.** (1) An approved dispersion model that is used for the purposes of this Part shall be used in accordance with one of the following scenarios for each averaging period applicable to the relevant contaminant under section 19 or 20, whichever is applicable:

1. A scenario that, for the relevant averaging period, assumes operating conditions for the facility that would result in the highest concentration of the contaminant at a point of impingement that the facility is capable of.
2. A scenario that, for the relevant averaging period, uses actual operating data for the facility for the occasion when the highest concentration of the contaminant at a point of impingement resulted during,
  - i. the year preceding the year in which the model is being used, or
  - ii. the year in which the model is being used, if the facility did not operate at any time during the year referred to in subparagraph i. O. Reg. 516/07, s. 6 (1); O. Reg. 507/09, s. 8 (1).

(2) Despite subsection (1), the Director may give written notice to a person who discharges or causes or permits discharges of contaminants from a facility requiring the person to use an approved dispersion model for the purposes of this Part in accordance with the scenario described in paragraph 2 of subsection (1) and in accordance with the notice, if,

- (a) the Director has reasonable grounds to believe that the person may contravene section 19 or 20; or

(b) sections 19 and 20 do not apply to discharges of the relevant contaminant and the Director has reasonable grounds to believe that the person has discharged or caused or permitted a discharge of the relevant contaminant into the air and that the discharge may cause an adverse effect. O. Reg. 419/05, s. 10 (2); O. Reg. 516/07, s. 6 (2, 3); O. Reg. 507/09, s. 8 (2).

(3) Before the Director gives a person a notice under subsection (2), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 10 (3).

(4) Paragraph 2 of subsection (1) and subsection (2) do not apply if the facility did not operate at any time during the year in which the model is being used or during the year preceding the year in which the model is being used. O. Reg. 419/05, s. 10 (4).

#### **Source of contaminant emission rates**

**11.** (1) An approved dispersion model that is used for the purposes of this Part shall be used with an emission rate that is determined in one of the following ways for each source of contaminant and for each averaging period applicable to the relevant contaminant under section 19 or 20, whichever is applicable:

1. The emission rate that, for the relevant averaging period, is at least as high as the maximum emission rate that the source of contaminant is reasonably capable of for the relevant contaminant.
2. The emission rate that, for the relevant averaging period, is derived from site-specific testing of the source of contaminant that meets all of the following criteria:
  - i. The testing must be conducted comprehensively across a full range of operating conditions.
  - ii. The testing must be conducted according to a plan approved by the Director as likely to provide an accurate reflection of emissions.
  - iii. The Director must be given written notice at least 15 days before the testing and representatives of the Ministry must be given an opportunity to witness the testing.
  - iv. The Director must approve the results of the testing as an accurate reflection of emissions.
3. The emission rate that, for the relevant averaging period, is derived from a combination of a method that complies with paragraph 1 or 2 and ambient monitoring, according to a plan approved by the Director as likely to provide an accurate reflection of emissions. O. Reg. 516/07, s. 7 (1); O. Reg. 507/09, s. 9 (1).

(2) Despite subsection (1), the Director may give written notice to a person who discharges or causes or permits discharges of a contaminant requiring that an approved dispersion model that is used for the purposes of this Part be used with an emission rate for each source of contaminant that is derived in accordance with paragraph 2 or 3 of subsection (1) and in accordance with the notice, if,

- (a) the Director has reasonable grounds to believe that the person may contravene section 19 or 20; or
- (b) sections 19 and 20 do not apply to discharges of the contaminant and the Director has reasonable grounds to believe that the person has discharged or caused or permitted a discharge of the contaminant into the air and that the discharge may cause an adverse effect. O. Reg. 507/09, s. 9 (2, 3).

(3) Before the Director gives a person a notice under subsection (2), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 11 (3).

#### **Combined effect of assumptions for operating conditions and emission rates**

**12.** (1) Despite subsections 10 (1) and 11 (1), an approved dispersion model that is used for the purposes of this Part shall be used in accordance with a scenario described in paragraph 2 of subsection 10 (1) and with an emission rate determined in accordance with paragraph 3 of subsection 11 (1). O. Reg. 605/05, s. 3.

(1.1) Despite subsection (1), an approved dispersion model that is used for the purposes of this Part may be used in accordance with a scenario described in paragraph 2 of subsection 10 (1) and with an emission rate determined in accordance with paragraph 2 of subsection 11 (1) if the Director is of the opinion that the emission rate will be accurately determined. O. Reg. 516/07, s. 8 (1).

(2) Despite subsection (1), an approved dispersion model that is used for the purposes of this Part may be used in another manner that is in accordance with sections 10 and 11 if,

- (a) the use of the model does not indicate that discharges of the relevant contaminant from the property may result in a contravention of section 19 or 20; or
- (b) sections 19 and 20 do not apply to discharges of the relevant contaminant and the use of the model does not indicate that discharges of the contaminant may cause an adverse effect. O. Reg. 605/05, s. 3; O. Reg. 516/07, s. 8 (2); O. Reg. 507/09, s. 10.



(3) This section does not apply to a contaminant if a written abatement plan for discharges of the contaminant from the property has been prepared and submitted to a provincial officer in accordance with section 29. O. Reg. 419/05, s. 12 (3).

#### **Meteorological data**

**13.** (1) An approved dispersion model that is used for the purposes of this Part shall be used with one of the following types of meteorological data:

1. Regional surface and upper air meteorological data for the part of Ontario in which the source of contaminant is located that was available on May 14, 2007, and continues to be available, through a website maintained by the Ministry on the Internet or through the Ministry's Public Information Centre.

1.1 Data described in paragraph 1 that has been processed by the AERMET computer program, as that program is amended from time to time, and that is available through a website maintained by the Ministry on the Internet or through the Ministry's Public Information Centre, if the approved dispersion model that is used is the AERMOD dispersion model described in paragraph 1 of subsection 6 (1).

2. Data described in paragraph 1.1 that has been refined to reflect local land use conditions, if the approved dispersion model that is used is the AERMOD dispersion model described in paragraph 1 of subsection 6 (1).

2.1 REVOKED: O. Reg. 507/09, s. 11.

3. Local or site-specific meteorological data approved by the Director as an accurate reflection of meteorological conditions.

4. Data obtained from a computational method, if the Director is of the opinion that the data is at least as accurate as data that would be obtained by local or site-specific meteorological monitoring. O. Reg. 419/05, s. 13 (1); O. Reg. 516/07, s. 9 (1, 2); O. Reg. 507/09, s. 11.

(2) Despite subsection (1), the Director may give written notice to a person who discharges or causes or permits the discharge of a contaminant requiring that an approved dispersion model that is used for the purposes of this Part be used with a type of meteorological data specified in the notice that, in the opinion of the Director, accurately reflects meteorological conditions. O. Reg. 419/05, s. 13 (2).

(3) Before the Director gives a person a notice under subsection (2), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 419/05, s. 13 (3).

(4) This section does not apply if the approved dispersion model that is used is,

(a) the ASHRAE method of calculation;

(b) the SCREEN3 dispersion model described in paragraph 4 of subsection 6 (1);

(c) the method of calculation required by the Appendix to Regulation 346; or

(d) a dispersion model or combination of dispersion models that, pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, if the dispersion model or combination of dispersion models is not capable of using meteorological data. O. Reg. 516/07, s. 9 (3).

#### **Determining the value of dispersion model parameters**

**13.1** (1) The Director may give written notice to a person who discharges or causes or permits the discharge of a contaminant from a property stating that the Director is of the opinion that, with respect to those discharges of the contaminant, one of the following is required to accurately determine the value of a parameter specified in the notice that is related to a source of contaminant:

1. A method of calculation specified in the notice.

2. A sampling or measuring technique specified in the notice.

3. A combination specified in the notice of one or more methods of calculation and one or more sampling and measuring techniques. O. Reg. 507/09, s. 12.

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 12.

(3) If the Director is of the opinion that, with respect to discharges of a contaminant from a property, a particular value accurately reflects the value of a parameter that is related to a source of contaminant, the Director may, on the written request of the person who discharges or causes or permits the discharge of the contaminant from the property, give written notice to the person specifying the value and stating the Director's opinion. O. Reg. 507/09, s. 12.

(4) Without limiting the generality of subsections (1) and (3), the parameter specified in a notice may include the following:

1. The dimensions of the part of the source of contaminant from which discharges are released into the natural environment.
  2. The volumetric flow rate for discharges from the source of contaminant.
  3. The temperature of discharges from the source of contaminant.
  4. The height above ground level that discharges are released into the air from the source of contaminant. O. Reg. 507/09, s. 12.
- (5) If a person to whom a notice is given under this section uses an approved dispersion model for the purposes of this Part, the model shall be used with,
- (a) a value for the parameter that is determined in accordance with the method, technique or combination specified in the notice, in the case of a notice under subsection (1); or
  - (b) the value for the parameter specified in the notice, in the case of a notice under subsection (3). O. Reg. 507/09, s. 12.

**Area of modelling coverage**

**14.** (1) Subject to subsections (2) to (6), an approved dispersion model that is used for the purposes of this Part shall be used in a manner that predicts the concentration of the relevant contaminant at points of impingement separated by intervals of,

- (a) 20 metres or less, in an area that is bounded by a rectangle, where every point on the boundary of the rectangle is at least 200 metres from every source of contaminant;
- (b) 50 metres or less, in an area that surrounds the area described in clause (a) and that is bounded by a rectangle, where every point on the rectangle is at least 300 metres from the area described in clause (a);
- (c) 100 metres or less, in an area that surrounds the area described in clause (b) and that is bounded by a rectangle, where every point on the rectangle is at least 800 metres from the area described in clause (a);
- (d) 200 metres or less, in an area that surrounds the area described in clause (c) and that is bounded by a rectangle, where every point on the rectangle is at least 1,800 metres from the area described in clause (a);
- (e) 500 metres or less, in an area that surrounds the area described in clause (d) and that is bounded by a rectangle, where every point on the rectangle is at least 4,800 metres from the area described in clause (a);
- (f) 1,000 metres or less, in the area that surrounds the area described in clause (e). O. Reg. 516/07, s. 10.

(2) If an approved dispersion model is used for the purposes of this Part with respect to a property on which sources of contaminant are located and any point on the property boundary of the property is within 200 metres of any source of contaminant, the model shall be used in a manner that predicts the concentration of the relevant contaminant at points of impingement along the entire property boundary, and those points of impingement shall be separated by intervals of 10 metres or less. O. Reg. 516/07, s. 10.

(3) Subsection (1) or (2) does not apply if the approved dispersion model that is used is,

- (a) the ASHRAE method of calculation;
- (b) the SCREEN3 dispersion model described in paragraph 4 of subsection 6 (1);
- (c) the method of calculation required by the Appendix to Regulation 346; or
- (d) a dispersion model or combination of dispersion models that, pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, if the dispersion model or combination of dispersion models is not capable of predicting the concentration of the relevant contaminant at points of impingement described in subsection (1) or (2), as the case may be. O. Reg. 516/07, s. 10.

(4) If an approved dispersion model is used for the purposes of this Part, it is not necessary to use the model in a manner that predicts the concentration of the relevant contaminant at a point of impingement if the distance from the property on which the sources of contaminant are located to that point of impingement is greater than the distance from the property on which the sources of contaminant are located to the point of impingement where, according to the model, the concentration of that contaminant would be highest. O. Reg. 516/07, s. 10.

(5) With respect to points of impingement on structures that are above ground level, an approved dispersion model that is used for the purposes of this Part shall be used in a manner that predicts the concentration of the relevant contaminant at a sufficient number of points of impingement on those structures to identify any points where discharges of the contaminant may result in an adverse effect or a contravention of section 19 or 20. O. Reg. 516/07, s. 10; O. Reg. 507/09, s. 13 (1).

(6) Despite subsections (1) to (5), the Director may give written notice to a person who discharges or causes or permits the discharge of a contaminant requiring that an approved dispersion model that is used for the purposes of this Part be used in a

manner that predicts the concentration of the contaminant at points of impingement described in the notice. O. Reg. 516/07, s. 10; O. Reg. 507/09, s. 13 (2).

(7) Before the Director gives a person a notice under subsection (6), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 516/07, s. 10.

**Stack height for certain new sources of contaminant**

**15.** (1) This section applies to a source of contaminant if all of the following criteria are met:

1. The source of contaminant discharges contaminants directly into the natural environment.
2. Construction of the source of contaminant began after November 30, 2005.
3. No application was made on or before November 30, 2005 for a certificate of approval in respect of the source of contaminant.
4. The source of contaminant is located in an area around a structure that is bounded by a circle that has a radius of five times the lesser of the following:
  - i. The height above ground level of the structure.
  - ii. The greatest width presented to the wind by the structure, measured perpendicularly to the direction of the wind. O. Reg. 419/05, s. 15 (1).

(2) If an approved dispersion model other than the ASHRAE method of calculation is used for the purposes of this Part with respect to a source of contaminant to which this section applies, the height at which contaminants are discharged into the air from the source of contaminant that is used with the model must be the lower of the following heights:

1. The actual height above ground level at which contaminants are discharged into the air from the source of contaminant.
2. The higher of the following heights:
  - i. Sixty-five metres.
  - ii. The height described in subsection (3). O. Reg. 419/05, s. 15 (2); O. Reg. 516/07, s. 11.

(3) The height referred to in subparagraph 2 ii of subsection (2) is the height determined by the following formula:

$$A + (1.5 \times B)$$

where,

A = the height above ground level of the structure referred to in paragraph 4 of subsection (1),

B = the lesser of,

- i. the height above ground level of the structure referred to in paragraph 4 of subsection (1), and
- ii. the greatest width presented to the wind by the structure referred to in paragraph 4 of subsection (1), measured perpendicularly to the direction of the wind.

O. Reg. 419/05, s. 15 (3).

(4) If paragraph 4 of subsection (1) applies to a source of contaminant in respect of more than one structure, the references in subsection (3) to the structure referred to in paragraph 4 of subsection (1) shall be deemed to be references to the structure for which the height referred to in subparagraph 2 ii of subsection (2) is the greatest. O. Reg. 419/05, s. 15 (4).

(5) This section applies only if the approved dispersion model is used with respect to a person and contaminant to which section 20 applies. O. Reg. 419/05, s. 15 (5).

**Terrain data**

**16.** (1) If an approved dispersion model is used for the purposes of this Part with respect to any point of impingement that has an elevation higher than the lowest point from which the relevant contaminant is discharged from a source of contaminant, the model shall be used in a manner that employs terrain data. O. Reg. 419/05, s. 16 (1).

(2) This section does not apply if the approved dispersion model that is used is,

- (a) the ASHRAE method of calculation;
- (b) the method of calculation required by the Appendix to Regulation 346; or
- (c) a dispersion model or combination of dispersion models that, pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, if the dispersion model or combination of dispersion models is not capable of using terrain data. O. Reg. 516/07, s. 12.

#### Averaging periods

17. (1) If a provision of this Part refers to an approved dispersion model being used in connection with a standard that applies to a specified averaging period, the following rules apply for the purposes of this Part:

1. If an approved dispersion model was designed to be used for the specified averaging period, it shall be used as it was designed for that averaging period.
2. If an approved dispersion model was not designed to be used for the specified averaging period but was designed to be used for an averaging period shorter than the specified averaging period, the model may be used as it was designed for the shorter averaging period if the result produced by the model is adjusted in accordance with subsection (2).
3. If the specified averaging period is less than one hour and an approved dispersion model was designed to be used for a one hour period, the model may be used as it was designed for a one hour period if the result produced by the model is adjusted in accordance with subsection (2).
4. If the use of an approved dispersion model is not authorized or required by paragraph 1, 2 or 3, the model shall not be used. O. Reg. 419/05, s. 17 (1).

(2) If a provision of this Part refers to an approved dispersion model being used in connection with a standard that applies to a specified averaging period,

- (a) the result produced by the approved dispersion model shall be multiplied by the amount determined in accordance with subsection (3), if the model is used under paragraph 2 of subsection (1); and
  - (b) the result produced by the approved dispersion model shall be divided by the amount determined in accordance with subsection (3), if the model is used under paragraph 3 of subsection (1). O. Reg. 419/05, s. 17 (2).
- (3) The amount referred to in clauses (2) (a) and (b) is the amount determined in accordance with the following formula:

$$(t_0 \div t_1)^n$$

where,

$t_0$  = the shorter of,

- i. the averaging period that the approved dispersion model was designed to be used for, expressed in hours, and
- ii. the specified averaging period, expressed in hours,

$t_1$  = the longer of,

- i. the averaging period that the approved dispersion model was designed to be used for, expressed in hours, and
- ii. the specified averaging period, expressed in hours,

$n$  = 0.28 or, if the Director is satisfied that another number would result in an adjustment that produces a more accurate prediction of the concentration of the relevant contaminant, the other number.

O. Reg. 419/05, s. 17 (3).

(4) If an approved dispersion model is used with respect to a person and contaminant to whom section 20 applies and Schedule 3 sets out more than one standard for the contaminant, using different averaging periods, the model shall be used with respect to each averaging period. O. Reg. 516/07, s. 13.

(5) This section does not apply if,

- (a) the approved dispersion model that is used is the ASHRAE method of calculation and the model is being used in connection with a standard set out in Schedule 3 that applies to a 10 minute averaging period; or
- (b) the approved dispersion model that is used is the method of calculation required by the Appendix to Regulation 346. O. Reg. 516/07, s. 13.

#### Compliance with modelling requirements

17.1 A person who is required under this Regulation to prepare or update a report in accordance with section 26 and who uses an approved dispersion model for that purpose shall comply with sections 9 to 17. O. Reg. 516/07, s. 14.

#### CONTAMINANT CONCENTRATION STANDARDS

18. REVOKED: O. Reg. 507/09, s. 14.

#### Schedule 2 standards

19. (1) A person shall not, after January 31, 2010 and before February 1, 2020, discharge or cause or permit the discharge of a contaminant listed in Schedule 2 into the air if the discharge results in the concentration of the contaminant at a point of impingement exceeding the half hour standard set out for the contaminant in Schedule 2. O. Reg. 419/05, s. 19 (1).

(2) A person shall not, after January 31, 2010 and before February 1, 2020, discharge or cause or permit the discharge of a contaminant listed in Schedule 2 into the air if the discharge would result, according to the method of calculation required by the Appendix to Regulation 346, in the concentration of the contaminant at a point of impingement exceeding the half hour standard set out for the contaminant in Schedule 2. O. Reg. 419/05, s. 19 (2).

(2.1) Subsection (2) does not apply if, according to an approved dispersion model, the discharge would not result in the concentration of the contaminant at the point of impingement exceeding the half hour standard set out for the contaminant in Schedule 2. O. Reg. 507/09, s. 15 (1).

(3) This section does not apply to a discharge of a contaminant from a facility if,

(a) the facility is part of a class identified by a NAICS code listed in Schedule 4;

(b) the facility is part of a class identified by a NAICS code listed in Schedule 5, other than a class identified by a NAICS code listed in Schedule 4, and,

(i) the discharge occurs on or after February 1, 2013, or

(ii) construction of the facility began after November 30, 2005 and no application was made on or before that day for a certificate of approval in respect of the facility; or

(c) section 20 applies to discharges of the contaminant from the facility pursuant to a notice or order under subsection 20 (4) or (5). O. Reg. 419/05, s. 19 (3).

#### Schedule 3 standards

**20.** (1) A person shall not discharge or cause or permit the discharge of a contaminant listed in Schedule 3 into the air if a standard is set out in that Schedule for the contaminant for a specified averaging period and the discharge results in the concentration of the contaminant at a point of impingement exceeding that standard. O. Reg. 419/05, s. 20 (1).

(2) A person shall not discharge or cause or permit the discharge of a contaminant listed in Schedule 3 into the air if a standard is set out in that Schedule for the contaminant for a specified averaging period and the discharge would result, according to an approved dispersion model, in the concentration of the contaminant at a point of impingement exceeding that standard. O. Reg. 419/05, s. 20 (2).

(2.1) Subsections (1) and (2) do not apply with respect to a standard set out in Schedule 3 for a 10 minute averaging period. O. Reg. 516/07, s. 15 (1).

(2.2) A person shall not discharge or cause or permit the discharge of a contaminant listed in Schedule 3 into the air if a standard is set out in Schedule 3 for the contaminant for a 10 minute averaging period and the discharge results in the concentration of the contaminant exceeding that standard at a point of impingement where human activities regularly occur at a time when those activities regularly occur. O. Reg. 516/07, s. 15 (1).

(2.3) Subsection (2.2) does not apply if the discharge arises from,

(a) an agricultural operation to which subsection 2 (1) of the *Farming and Food Production Protection Act, 1998* applies; or

(b) the use of an alarm system or warning system for health or safety reasons, including the use of an alarm system in an underground mine in accordance with Regulation 854 of the Revised Regulations of Ontario, 1990 (Mines and Mining Plants) made under the *Occupational Health and Safety Act*. O. Reg. 516/07, s. 15 (1).

(3) This section does not apply to a discharge of a contaminant from a facility unless,

(a) the facility is part of a class identified by a NAICS code listed in Schedule 4 and,

(i) the discharge occurs on or after February 1, 2010, or

(ii) construction of the facility began after November 30, 2005 and no application was made on or before that day for a certificate of approval in respect of the facility;

(b) the facility is part of a class identified by a NAICS code listed in Schedule 5, other than a class identified by a NAICS code listed in Schedule 4, and,

(i) the discharge occurs on or after February 1, 2013, or

(ii) construction of the facility began after November 30, 2005 and no application was made on or before that day for a certificate of approval in respect of the facility;

(c) the Director has, in respect of the facility, approved a request under section 32 to set a site-specific standard for the contaminant, and the period referred to in subsection 35 (9) has begun;

(d) compliance with this section is required by a notice given or order made by the Director under subsection (4) or (5) in respect of discharges of the contaminant from the facility; or

(e) the discharge occurs on or after February 1, 2020. O. Reg. 419/05, s. 20 (3); O. Reg. 516/07, s. 15 (2); O. Reg. 507/09, s. 16 (1); O. Reg. 282/11, s. 4.

(4) The Director may give a person who discharges or causes or permits discharges of contaminants from a facility written notice requiring the person to comply with this section, beginning on a date specified in the notice that is not later than January 31, 2020, if the notice is requested in writing by the person. O. Reg. 419/05, s. 20 (4); O. Reg. 507/09, s. 16 (2).

(5) The Director may order a person who discharges or causes or permits discharges of a contaminant from a facility to comply with this section, beginning on a date specified in the order that is not earlier than February 1, 2010, is not earlier than three months after the order is made and is not later than January 31, 2020, if,

(a) a report to which subsection 22 (1.2), 23 (3), 24 (2), 30 (5) or 33 (6) applies has been prepared and the report indicates that, if this section applied, discharges of a contaminant from the facility might result in a contravention of this section; and

(b) the Director is of the opinion that discharges of the contaminant from the facility may result in an adverse effect. O. Reg. 419/05, s. 20 (5); O. Reg. 605/05, s. 4; O. Reg. 507/09, s. 16 (3, 4).

(6) REVOKED: O. Reg. 507/09, s. 16 (5).

#### **Sulphur compounds**

**20.1** (1) If a person discharges or causes or permits the discharge of only one of the following contaminants and the person does not discharge or cause or permit the discharge of any other reduced sulphur compounds, sections 19 and 20 do not apply to total reduced sulphur (TRS) compounds:

1. Dimethyl disulphide.
2. Dimethyl sulphide.
3. Hydrogen sulphide.
4. Mercaptans. O. Reg. 516/07, s. 16.

(2) If a person discharges or causes or permits the discharge of two or more of the contaminants listed in paragraphs 1 to 4 of subsection (1), sections 19 and 20 do not apply to those contaminants. O. Reg. 516/07, s. 16.

(3) Subsection (2) does not affect the obligation to comply with sections 19 and 20 with respect to total reduced sulphur (TRS) compounds. O. Reg. 516/07, s. 16.

(4) The two items in each of Schedules 2 and 3 that set out standards for total reduced sulphur (TRS) compounds specify the facilities to which they apply. O. Reg. 516/07, s. 16.

#### **Dimethyl disulphide from regulated pesticide**

**20.2** Sections 19 and 20 do not apply to a discharge of dimethyl disulphide, if the discharge arises from the use of a pesticide in accordance with Ontario Regulation 63/09 (General) made under the *Pesticides Act*. O. Reg. 516/07, s. 16; O. Reg. 167/09, s. 1; O. Reg. 507/09, s. 17.

#### **Agricultural operations and alarms systems**

**20.3** If, at a concentration equal to a standard set out for a contaminant in Schedule 2, the discharge of the contaminant has an odour but no health effects, that standard does not apply to a discharge of the contaminant that arises from,

- (a) an agricultural operation to which subsection 2 (1) of the *Farming and Food Production Protection Act, 1998* applies; or
- (b) the use of an alarm system or warning system for health or safety reasons, including the use of an alarm system in an underground mine in accordance with Regulation 854 of the Revised Regulations of Ontario, 1990 (Mines and Mining Plants) made under the *Occupational Health and Safety Act*. O. Reg. 516/07, s. 16; O. Reg. 507/09, s. 18.

#### **Standby power sources**

**20.4** (1) Sections 19 and 20 do not apply to a discharge that occurs as a result of the use of a standby power source if all of the following criteria are met:

1. Testing and maintenance of the standby power source is done in accordance with any applicable manufacturer's recommendations and generally accepted standards.
2. The discharge occurs during one of the following periods:
  - i. A period in which the standby power source is operated solely for testing or maintenance purposes.
  - ii. A period in which the standby power source is used for its intended purpose.
3. The standby power source has not been operated for testing or maintenance purposes for more than 60 hours in the 12 months before the discharge. O. Reg. 516/07, s. 16; O. Reg. 507/09, s. 19.

(2) In this section,

“standby power source” means equipment that is intended to be used for the purpose of producing power to maintain operating conditions when the power produced by the normal sources of power is cut off or reduced. O. Reg. 516/07, s. 16.

**More stringent standards in environmental compliance approval**

**21.** Sections 19 and 20 do not apply to a discharge of a contaminant if an environmental compliance approval imposes a more stringent standard. O. Reg. 264/11, s. 1.

EMISSION SUMMARY AND DISPERSION MODELLING REPORTS

**Requirement for ESDM report: environmental compliance approval**

**22.** (1) A person who applies for an environmental compliance approval or amendment to an environmental compliance approval in respect of a facility that discharges or will discharge a contaminant into the air shall prepare a report in accordance with section 26 and submit it to the Director as part of the application. O. Reg. 264/11, s. 2 (1).

(1.1) Section 19 shall be deemed to apply for the purpose of preparing the report referred to in subsection (1) if,

(a) the application is made after January 31, 2009 and before February 1, 2010; and

(b) section 20 will not apply to discharges of the contaminant on February 1, 2010. O. Reg. 605/05, s. 5.

(1.2) Section 20 shall be deemed to apply for the purpose of preparing the report referred to in subsection (1) if,

(a) the application is made after January 31, 2009 and before February 1, 2010 and, pursuant to subclause 20 (3) (a) (i), section 20 will first apply to discharges of the contaminant on February 1, 2010;

(b) the application is made after January 31, 2012 and before February 1, 2013 and, pursuant to subclause 20 (3) (b) (i), section 20 will first apply to discharges of the contaminant on February 1, 2013; or

(c) the application is made after January 31, 2019 and before February 1, 2020 and, pursuant to clause 20 (3) (e), section 20 will first apply to discharges of the contaminant on February 1, 2020. O. Reg. 605/05, s. 5.

(2) If a report is required by subsection (1) to be prepared in accordance with section 26, it is not necessary for the lists of contaminants required by paragraphs 2 and 4 of subsection 26 (1) to include any contaminant other than the contaminants that are relevant to the application for an environmental compliance approval or for an amendment to an environmental compliance approval. O. Reg. 516/07, s. 17; O. Reg. 264/11, s. 2 (2).

(2.1) If, for the purpose of preparing a report required by this section, a person is required under subsection 10 (2) or 12 (1) to use an approved dispersion model in accordance with the scenario described in paragraph 2 of subsection 10 (1), the person shall also use the model in accordance with the scenario described in paragraph 1 of subsection 10 (1). O. Reg. 507/09, s. 21 (1).

(3) The Director may relieve a person who is required by subsection (1) to prepare a report in accordance with section 26 from the obligation to comply with any provision of subsection 26 (1) that is specified by the Director, subject to such conditions as are specified by the Director, if the Director is of the opinion that compliance with the provision is not necessary to understand the impact of discharges of one or more contaminants. O. Reg. 516/07, s. 17.

(4) If a person is required by subsection (1) to submit a report to the Director as part of an application for an environmental compliance approval or amendment to an environmental compliance approval, section 19 applies to the preparation of the report, the report relates to a contaminant listed in Schedule 7 for which a standard is set out in an amendment to Schedule 2 that has not yet come into force, and the person submits the application to the Director less than 12 months before the amendment to Schedule 2 comes into force, the standard set out in the amendment shall be deemed to apply for the purpose of preparing the report. O. Reg. 507/09, s. 21 (2); O. Reg. 264/11, s. 2 (3).

(5) If a person is required by subsection (1) to submit a report to the Director as part of an application for an environmental compliance approval or amendment to an environmental compliance approval, section 20 applies to the preparation of the report, the report relates to a contaminant listed in Schedule 7 for which a standard is set out in an amendment to Schedule 3 that has not yet come into force, and the person submits the application to the Director less than 12 months before the amendment to Schedule 3 comes into force, the standard set out in the amendment shall be deemed to apply for the purpose of preparing the report. O. Reg. 507/09, s. 21 (2); O. Reg. 264/11, s. 2 (4).

(6) Subsection (5) does not apply if the Director has set a site-specific standard for the contaminant under subsection 35 (1) and the period specified by the Director under subsection 35 (9) includes the date the amendment to Schedule 3 comes into force. O. Reg. 282/11, s. 5.

(7) Subsection (8) applies if all the following circumstances exist:

1. Subsection (5) applies for the purpose of preparing a report under subsection (1).

2. The person who is required to prepare the report under subsection (1) has, under section 32, made a request that the Director set a site-specific standard for the contaminant referred to in subsection (5) in respect to the facility.
3. The Director has not yet decided whether to set a site-specific standard for the contaminant. O. Reg. 282/11, s. 5.

(8) In the circumstances described in subsection (7), in addition to using the standard set out in the amendment to Schedule 3 in accordance with subsection (5), the person who is required to prepare the report shall use the following concentration:

1. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 7 i of subsection 33 (1), the concentration of the contaminant on which the ranking of that method or combination was based under paragraph 6 of that subsection.
2. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 7 ii of subsection 33 (1), the maximum concentration of the contaminant that, according to the approved dispersion model that was used for the purpose of that subparagraph, would result at a point of impingement if that method or combination of methods were used with respect to the sources of contaminant to which the request relates.
3. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 4 i of subsection 33 (4), the concentration of the contaminant on which the ranking of that method or combination was based under paragraph 3 of that subsection.
4. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 4 ii of subsection 33 (4), the maximum concentration of the contaminant that, according to the approved dispersion model that was used for the purpose of that subparagraph, would result at a point of impingement if that method or combination of methods were used with respect to the sources of contaminant to which the request relates. O. Reg. 282/11, s. 5.

**Requirement for ESDM report before implementation of Schedule 3 standards**

**23.** (1) A person who discharges or causes or permits discharges of a contaminant into the air shall, before February 1, 2010, prepare a report in accordance with section 26 if, pursuant to subclause 20 (3) (a) (i), section 20 will first apply to those discharges on that date. O. Reg. 419/05, s. 23 (1).

(2) A person who discharges or causes or permits discharges of a contaminant into the air shall, before February 1, 2013, prepare a report in accordance with section 26 if, pursuant to subclause 20 (3) (b) (i), section 20 will first apply to those discharges on that date. O. Reg. 419/05, s. 23 (2).

(2.1) Subsection (2) does not apply to discharges of a contaminant from fuel burning equipment that is used for the sole purpose of providing heating to a building, if,

- (a) the equipment uses no fuel other than propane or natural gas; and
- (b) the equipment is the only source of contaminant at the facility that discharges the contaminant into the air. O. Reg. 507/09, s. 22 (1).

(3) If a person is required to prepare a report under this section, section 20 shall be deemed to apply for the purpose of preparing the report. O. Reg. 419/05, s. 23 (3).

(4) If, for the purpose of preparing a report required by this section, a person is required under subsection 10 (2) or 12 (1) to use an approved dispersion model in accordance with the scenario described in paragraph 2 of subsection 10 (1), the person shall also use the model in accordance with the scenario described in paragraph 1 of subsection 10 (1). O. Reg. 507/09, s. 22 (2).

**Additional obligations to prepare ESDM report**

**24.** (1) The Director may give a person written notice requiring the person to prepare a report in accordance with section 26 and to submit the report to the Director, not later than a date specified in the notice, if the Director has reasonable grounds to believe that,

- (a) the person may contravene section 19 or 20;
- (b) the person discharges or causes or permits the discharge of a contaminant into the air and the discharge may cause an adverse effect; or
- (c) the person discharges or causes or permits discharges of a contaminant into the air from two or more different sources of contaminant, the sources of contaminant are all located on the same property, and the person has never prepared a report in accordance with section 26 or a report that the Director considers equivalent to a report prepared in accordance with section 26. O. Reg. 419/05, s. 24 (1); O. Reg. 516/07, s. 18 (1); O. Reg. 507/09, s. 23 (1).

(1.1) A notice given under subsection (1) that requires a report to be prepared in accordance with section 26 may provide that the lists of contaminants required by paragraphs 2 and 4 of subsection 26 (1) only need to include contaminants specified in the notice. O. Reg. 516/07, s. 18 (2).



- (2) If a notice is given under subsection (1) to a person to whom section 19 applies in respect of a contaminant,
- (a) the notice may require that the report be prepared as if section 20 applied instead of section 19 and, in that case, section 20 shall be deemed to apply for the purpose of preparing the report; or
  - (b) the notice may require that the report be prepared so that, in addition to setting out the information required by this Regulation based on the application of section 19, the report contain a part that sets out the information that would be required by this Regulation if section 20 applied and, in that case, section 20 shall be deemed to apply for the purpose of preparing that part of the report. O. Reg. 516/07, s. 18 (3); O. Reg. 507/09, s. 23 (2-4).
- (2.1) If a notice is given under subsection (1) and the notice includes a requirement referred to in clause (2) (a) or (b), the notice may also require that the report include the following in accordance with the notice:
1. A written statement or map identifying the location of any point of impingement where the use of the approved dispersion model indicates that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect.
  2. A written statement specifying the highest concentration of the contaminant that the approved dispersion model predicts for the point of impingement.
  3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of averaging periods in,
    - i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),
    - ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
    - iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 516/07, s. 18 (3); O. Reg. 507/09, s. 23 (5, 6).
- (2.2) Subsection (2.1) does not apply if a notice is given under subsection (1), the notice includes a requirement referred to in clause (2) (a) or (b) and the notice requires that the report include the following in accordance with the notice:
1. A written statement or map identifying the location of points of impingement specified in the notice.
  2. A written statement specifying the concentration of the contaminant that the approved dispersion model predicts at points of impingement specified in the notice.
  3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at points of impingement specified in the notice, expressed as a percentage of the number of averaging periods in,
    - i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),
    - ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
    - iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 516/07, s. 18 (3); O. Reg. 507/09, s. 23 (7).
- (2.3) A person who is required to prepare a report under subsection (1) that includes the information referred to in subsection (2.1) or (2.2) shall prepare the report using,
- (a) the AERMOD dispersion model described in paragraph 1 of subsection 6 (1); or
  - (b) REVOKED: O. Reg. 507/09, s. 23 (8).
  - (c) a dispersion model or combination of dispersion models that,
    - (i) pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, and

(ii) is capable of providing the information referred to in subsection (2.1) or (2.2), as the case may be. O. Reg. 516/07, s. 18 (3); O. Reg. 507/09, s. 23 (8).

(3) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 15 days after the draft is given. O. Reg. 419/05, s. 24 (3).

(4) If, for the purpose of preparing a report required by this section, a person is required under subsection 10 (2) or 12 (1) to use an approved dispersion model in accordance with the scenario described in paragraph 2 of subsection 10 (1), the person shall also use the model in accordance with the scenario described in paragraph 1 of subsection 10 (1). O. Reg. 507/09, s. 23 (9).

#### **Update of ESDM report**

**25.** (1) If a report was prepared under section 23 that was required by that section to be prepared before February 1 in a year, the person who discharges or causes or permits discharges of contaminants from the property to which the report relates shall update the report in accordance with section 26 so that the information in the report is accurate as of December 31 in that year. O. Reg. 419/05, s. 25 (1).

(2) If a person updates a report under subsection (1) or this subsection, the person who discharges or causes or permits discharges of contaminants from the property to which the report relates shall update the report again in accordance with section 26 so that the information in the report is accurate as of December 31 in the year in which the last update was required to be completed under subsection (8). O. Reg. 419/05, s. 25 (2).

(3) If a report is prepared under subsection 22 (1) in respect of a facility that is part of a class identified by a NAICS code listed in Schedule 4, construction of the facility began after November 30, 2005 and no application was made on or before that day for a certificate of approval in respect of the facility, the person who discharges or causes or permits discharges of contaminants from the property to which the report relates shall update the report in accordance with section 26 so that the information in the report is accurate as of December 31 in the year the report was prepared. O. Reg. 419/05, s. 25 (3).

(4) If a report was prepared under subsection 22 (1) in respect of a facility that is part of a class identified by a NAICS code listed in Schedule 5, other than a class identified by a NAICS code listed in Schedule 4, construction of the facility began after November 30, 2005 and no application was made on or before that day for a certificate of approval in respect of the facility, the person who discharges or causes or permits discharges of contaminants from the property to which the report relates shall update the report in accordance with section 26 so that the information in the report is accurate as of December 31 in the year the report was prepared. O. Reg. 419/05, s. 25 (4).

(5) If a report was prepared under subsection 24 (1) or 30 (4) or paragraph 1 of subsection 33 (1), the person who discharges or causes or permits discharges of contaminants from the property to which the report relates shall update the report in accordance with section 26 so that the information in the report is accurate as of December 31 in the year the report was prepared. O. Reg. 419/05, s. 25 (5); O. Reg. 507/09, s. 24 (1).

(6) Subsection (5) does not apply if the Director is satisfied that discharges of contaminants from the property will not result in a contravention of section 19 or 20 and is not likely to cause an adverse effect. O. Reg. 419/05, s. 25 (6); O. Reg. 507/09, s. 24 (2).

(7) If a report is updated under subsection (3), (4) or (5) or this subsection, the person who discharges or causes or permits discharges of contaminants from the property to which the report relates shall update the report again in accordance with section 26 so that the information in the report is accurate as of December 31 in the year in which the last update was required to be completed under subsection (8). O. Reg. 419/05, s. 25 (7).

(7.1) Subsections (1) to (7) do not apply to discharges of a contaminant from fuel burning equipment that is used for the sole purpose of providing heating to a building, if,

(a) the equipment uses no fuel other than propane or natural gas; and

(b) the equipment is the only source of contaminant at the facility that discharges the contaminant into the air. O. Reg. 507/09, s. 24 (3).

(7.2) If a person is required to update a report under this section and the report being updated was required by a notice given under subsection 24 (2.1) or (2.2) to include additional information, the person shall update that information so that it is accurate as of December 31 in the year in which the last update was required to be completed under subsection (8) and shall include the updated information in the updated report. O. Reg. 507/09, s. 24 (3).

(7.3) If a person is required to update a report under this section and the report being updated was prepared under paragraph 1 of subsection 33 (1), the person shall update the additional information described in paragraph 2 of subsection 33 (1) or required by a notice given under subsection 33 (2), as the case may be, so that it is accurate as of December 31 in the year in which the last update was required to be completed under subsection (8) and shall include the updated information in the updated report. O. Reg. 507/09, s. 24 (3).

(7.4) If a person is required to update a report under this section and the report being updated is required by subsection (7.2), (7.3) or this subsection to include additional information, the person shall update that information so that it is accurate as of December 31 in the year in which the last update was required to be completed under subsection (8) and shall include the updated information in the updated report. O. Reg. 507/09, s. 24 (3).

(7.5) Subsection (7.4) does not apply to additional information if the information was originally required by a notice given under subsection 24 (2.1) or (2.2) or 33 (2) and the notice is revoked. O. Reg. 507/09, s. 24 (3).

(8) If a person is required under this section to update a report so that the information in the report is accurate as of December 31 in a year, the person shall complete the update not later than March 31 in the following year. O. Reg. 419/05, s. 25 (8).

(9) A person who is required under subsection (8) to complete the update of a report not later than March 31 in a year shall, as soon as practicable after that date, notify a provincial officer in writing if the person has started to use an approved dispersion model with respect to a contaminant for the purpose of completing the update but has not yet complied with section 12, and,

- (a) the use of the model indicates that discharges of the contaminant may result in a contravention of section 19 or 20; or
- (b) sections 19 and 20 do not apply to discharges of the contaminant and the use of the model indicates that discharges of the contaminant may cause an adverse effect. O. Reg. 419/05, s. 25 (9); O. Reg. 516/07, s. 19 (1); O. Reg. 507/09, s. 24 (4, 5).

(10) If a person is required to give notice under subsection (9), the Director may give the person a written notice requiring the person to provide the Director with the following in accordance with the notice:

1. A written statement or map identifying the location of any point of impingement where the use of the approved dispersion model indicates that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect.
2. A written statement specifying the highest concentration of the contaminant that the approved dispersion model predicts for the point of impingement.
3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of averaging periods in,
  - i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),
  - ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
  - iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 419/05, s. 25 (10); O. Reg. 605/05, s. 6 (1); O. Reg. 516/07, s. 19 (2-4); O. Reg. 507/09, s. 24 (6, 7).

(10.1) If subsection (10) authorizes the Director to give a person a notice, the Director may instead give the person a written notice requiring the person to provide the Director with the following in accordance with the notice:

1. A written statement or map identifying the location of points of impingement specified in the notice.
2. A written statement specifying the concentration of the contaminant that the approved dispersion model predicts at points of impingement specified in the notice.
3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at points of impingement specified in the notice, expressed as a percentage of the number of averaging periods in,
  - i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),
  - ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or

iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 516/07, s. 19 (5); O. Reg. 507/09, s. 24 (8).

(10.2) If a notice requires a person to provide the Director with information referred to in subsection (10) or (10.1), the person shall provide the information and update the report referred to in subsection (9) using,

- (a) the AERMOD dispersion model described in paragraph 1 of subsection 6 (1); or
- (b) REVOKED: O. Reg. 507/09, s. 24 (9).
- (c) a dispersion model or combination of dispersion models that,
  - (i) pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, and
  - (ii) is capable of providing the information referred to in subsection (10) or (10.1), as the case may be. O. Reg. 516/07, s. 19 (5); O. Reg. 507/09, s. 24 (9).

(11) If a person is required to give notice under subsection (9) and, according to measurements of air samples collected at a point of impingement, discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, the Director may give the person a written notice requiring the person to provide the Director with the following in accordance with the notice:

1. A written statement or map identifying the location of the point of impingement.
2. A written statement specifying the number of air samples that were collected at the point of impingement and measured for the contaminant.
3. A written statement specifying the number of air samples that were collected at the point of impingement and measured for the contaminant and that indicated that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of air samples referred to in paragraph 2. O. Reg. 419/05, s. 25 (11); O. Reg. 605/05, s. 6 (2); O. Reg. 516/07, s. 19 (6); O. Reg. 507/09, s. 24 (10, 11).

(11.1) The Director shall not give a person a notice under subsection (10), (10.1) or (11) unless the Director first gives the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 516/07, s. 19 (7).

(12) A person who is required to give a notice under subsection (9) shall, as soon as practicable after section 12 is complied with and the update is completed, submit to the Director a copy of the updated Emissions Summary Table described in paragraph 14 of subsection 26 (1). O. Reg. 605/05, s. 6 (3).

#### **Contents of ESDM report**

**26.** (1) A person who is required under this Regulation to prepare or update a report in accordance with this section shall use one or more approved dispersion models for that purpose and shall include the following in the report:

1. A description of the activities that are engaged in on the property from which contaminants are discharged, including, if anything is produced on the property,
  - i. a description of what is produced and a statement of the amount of product that is produced on each day that the production process operates in accordance with the operating conditions described in paragraph 6,
  - ii. a description of the steps involved in the production process, including a drawing of the process,
  - iii. a description of the materials used in the production process, and
  - iv. a statement of the number of weeks per year, the number of days per week and the number of hours per day that the production process is in operation.
2. Subject to subsection (2), a list of all contaminants that are discharged from the property and, for each of those contaminants, a list of all the sources of contaminant that are located on the property.
3. For each source of contaminant listed for a contaminant under paragraph 2,
  - i. a description of the source of contaminant, including the location of the source of contaminant,
  - ii. an indication of whether the source of contaminant was considered when using an approved dispersion model in respect of the contaminant for the purpose of this section, and
  - iii. if the source of contaminant was not considered when using an approved dispersion model in respect of the contaminant for the purpose of this section and,

- A. the non-consideration was authorized by section 8, an explanation of how it was determined that the source of contaminant discharges a negligible amount of the contaminant,
  - B. the non-consideration was authorized by subsection 42 (4), a statement identifying the industry standard in respect of which the person is registered on the Ministry's Technical Standards Registry – Air Pollution that makes subsection 42 (4) applicable, or
  - C. the non-consideration was authorized by subsection 43 (3), a statement identifying the equipment standard in respect of which the person is registered on the Ministry's Technical Standards Registry – Air Pollution that makes subsection 43 (3) applicable.
4. Subject to subsection (2), a list of all contaminants that are discharged from the property in an amount that is not negligible.
  5. For each contaminant listed under paragraph 2 that is discharged from the property in an amount that is negligible, an explanation of how it was determined that the amount is negligible.
  6. For each contaminant listed under paragraph 4, a description of the operating conditions that were used in accordance with section 10 when using an approved dispersion model in respect of the contaminant for the purpose of this section.
  7. For each source of contaminant identified under subparagraph 3 ii as a source of contaminant that was considered, with respect to a contaminant listed under paragraph 4, when using an approved dispersion model for the purpose of this section,
    - i. an explanation, for each averaging period used with respect to that contaminant and source of contaminant, of the method used to estimate the emission rate for the contaminant and source of contaminant,
    - ii. a sample calculation illustrating each method explained under subparagraph i, and
    - iii. an assessment of how accurately each method explained under subparagraph i estimates the emission rate, including an assessment of whether the method is more likely to overestimate or underestimate the emission rate and an assessment of how significant the overestimate or underestimate may be.
  8. A table, labelled as the "Source Summary Table", that shows, for each source of contaminant identified under subparagraph 3 ii as a source of contaminant that was considered, with respect to a contaminant listed under paragraph 4, when using an approved dispersion model for the purpose of this section,
    - i. a label that identifies the source of contaminant,
    - ii. the averaging periods for which the approved dispersion model was used with respect to that contaminant and source of contaminant,
    - iii. for each averaging period referred to in subparagraph ii,
      - A. the emission rate for the contaminant and source of contaminant,
      - B. an indication of the method used to estimate the emission rate for the contaminant and source of contaminant,
      - C. an indication of how significantly the method used may overestimate or underestimate the emission rate for the contaminant and source of contaminant, and
      - D. the percentage that the emission rate for the contaminant and source of contaminant represents of the total emission rate for the contaminant and all sources of contaminant that were considered, with respect to the contaminant, when using the approved dispersion model for the purpose of this section,
    - iv. the volumetric flow rate for discharges from the source of contaminant,
    - v. the temperature of discharges from the source of contaminant,
    - vi. the height above ground level that discharges are released into the air from the source of contaminant,
    - vii. the difference between the height referred to in subparagraph vi and the height above ground level of the structure that is nearest to the source of contaminant and is on the same property, and an indication of whether discharges are released into the air from the source of contaminant at a height above or below the top of that structure, and
    - viii. the dimensions of the part of the source of contaminant from which discharges are released into the natural environment.
  9. A plan of the property from which contaminants are discharged, drawn to scale, that shows,
    - i. the property boundary,
    - ii. the co-ordinates for sufficient points on the property boundary to accurately describe the boundary,

- iii. each source of contaminant identified under subparagraph 3 ii as a source of contaminant that was considered when using an approved dispersion model for the purpose of this section and, for each source of contaminant, the label referred to in subparagraph 8 i,
  - iv. the location, dimensions and elevation of every structure on the property, and
  - v. an indication of which structures referred to in subparagraph iv contain child care facilities.
10. A description of the local land use conditions, if meteorological data described in paragraph 2 of subsection 13 (1) was used when using an approved dispersion model for the purpose of this section.
  11. For each contaminant listed under paragraph 4, a statement identifying the approved dispersion model that was used for the purpose of this section and a description of the way in which the approved dispersion model was used that is sufficient to show compliance with sections 8 to 17.
  12. For each contaminant listed under paragraph 4, an electronic copy of the input files that were used with, and the output files that were produced by, the approved dispersion model that was used for the purpose of this section.
  13. A description of the terrain data that was employed when using an approved dispersion model for the purpose of this section, if section 16 required terrain data to be employed.
  14. A table, labelled as the "Emissions Summary Table", that shows, for each contaminant listed under paragraph 4,
    - i. the Chemical Abstracts Service Registry Number for the contaminant,
    - ii. the approved dispersion model that was used in respect of the contaminant for the purpose of this section,
    - iii. the averaging periods for which the approved dispersion model was used in respect of the contaminant and, for each averaging period, the sum of the emission rates for the contaminant for all sources of contaminant identified under subparagraph 3 ii as a source of contaminant that was considered when using the approved dispersion model for the purpose of this section,
    - iv. the standard set out for the contaminant in,
      - A. REVOKED: O. Reg. 507/09, s. 25 (4).
      - B. Schedule 2, if section 19 applies to the contaminant, or
      - C. Schedule 3, if section 20 applies to the contaminant,
    - v. the concentration predicted by the approved dispersion model for the point of impingement with the highest concentration,
    - vi. a comparison of the concentration referred to in subparagraph v and the standard referred to in subparagraph iv, expressed as a percentage of the standard, if section 19 or 20 applies to the contaminant,
    - vii. the location of the point of impingement referred to in subparagraph v, if section 19 or 20 applies to the contaminant and the concentration referred to in subparagraph v exceeds the standard referred to in subparagraph iv, and
    - viii. an indication of the likelihood, nature and location of any adverse effect, if sections 19 and 20 do not apply to discharges of the contaminant.
  15. An executive summary of the information referred to in paragraphs 1 to 14 that includes, in full, the table required by paragraph 14.
  16. A table of contents. O. Reg. 419/05, s. 26 (1); O. Reg. 516/07, s. 20 (1-5); O. Reg. 507/09, s. 25 (1-7).

(1.1) If a person is required to use an approved dispersion model in accordance with both of the scenarios described in subsection 10 (1), paragraph 6 of subsection (1) shall be deemed to require a separate description, for each scenario, of the operating conditions that were used. O. Reg. 507/09, s. 25 (8).

(2) If a person is required to prepare a report in accordance with this section with respect to two or more contaminants that are discharged from two or more properties that are deemed to be a single property under subsection 4 (2), the person may prepare a separate report in accordance with this section with respect to any contaminant that is discharged from only one of those properties. O. Reg. 516/07, s. 20 (6).

(3) REVOKED: O. Reg. 516/07, s. 20 (6).

**Retention of ESDM report, etc.**

27. (1) A person who prepares or updates a report that is required to be prepared or updated in accordance with section 26 shall keep a copy of the report at the place to which the report relates for at least five years. O. Reg. 507/09, s. 26 (1).

(2) A person who prepares or updates a report that is required to be prepared or updated in accordance with section 26 shall, on request, immediately submit a copy of the report or any part of the report to the Director or to a provincial officer. O. Reg. 516/07, s. 21.

(3) A person who prepares or updates a report that is required to be prepared or updated in accordance with section 26 shall ensure that a copy of the most up-to-date executive summary referred to in paragraph 15 of subsection 26 (1),

- (a) is made available for examination by any person, without charge, by posting it on the Internet or by making it available during regular business hours at the place to which the report relates; and
- (b) is given, without charge, to any person within 15 days after the person requests it. O. Reg. 507/09, s. 26 (2).

## TECHNOLOGY REPORTS

### Technology reports

**27.1** (1) The Director may give written notice to a person requiring the person to prepare and submit to the Director, in accordance with the notice and not later than a date specified in the notice, a report described in subsection (3) if the person discharges or causes or permits discharges into the air of a contaminant specified in the notice and,

- (a) the Director has reasonable grounds to believe that a discharge of the contaminant may contravene section 19 or 20; or
- (b) sections 19 and 20 do not apply to the discharges of the contaminant and the Director has reasonable grounds to believe that the discharges may cause an adverse effect. O. Reg. 516/07, s. 22; O. Reg. 507/09, s. 27 (1, 2).

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 516/07, s. 22.

(3) A report required under subsection (1) shall contain the following:

- 1. A list of all the methods that are used by other persons, or are available for use, to reduce concentrations of the contaminant at any point, including methods such as the use of pollution control technology or changes to equipment, processes or materials.
- 2. An analysis of the methods identified under paragraph 1, and combinations of those methods, to determine which are technically feasible with respect to the sources of contaminant to which the report relates.
- 3. A list of the methods and combinations of methods that are determined under paragraph 2 to be technically feasible.
- 4. A ranking of the methods and combinations of methods identified under paragraph 3, based on the maximum concentration of the contaminant that, according to an approved dispersion model, would result at a point of impingement if each method or combination of methods were used with respect to the sources of contaminant to which the report relates.
- 5. Unless a plan is included in the report under paragraph 4 of subsection (5), a plan on how to implement,
  - i. the method or combination of methods that is ranked under paragraph 4 as the method or combination of methods that predicts the lowest maximum concentration of the contaminant at a point of impingement, or
  - ii. a method or combination of methods that, according to an approved dispersion model, would not result in a contravention of section 19 or 20, whichever is applicable. O. Reg. 516/07, s. 22; O. Reg. 507/09, s. 27 (3).

(4) A person who is required to prepare a report under subsection (1) shall ensure that the report deals with all sources of the contaminant specified in the notice given under that subsection. O. Reg. 516/07, s. 22.

(5) A person who prepares a report required under subsection (1) may include the following in a part of the report that is separate from the part of the report that contains the material required by subsection (3):

- 1. An analysis of the economic feasibility of the methods and combinations of methods that are determined under paragraph 2 of subsection (3) to be technically feasible.
- 2. A list of the methods and combinations of methods that are determined under paragraph 1 to be economically feasible.
- 3. A ranking of the methods and combinations of methods identified under paragraph 2, based on the maximum concentration of the contaminant that, according to an approved dispersion model, would result at a point of impingement if each method or combination of methods were used with respect to the sources of contaminant to which the report relates.
- 4. A plan on how to implement,
  - i. the method or combination of methods that is ranked under paragraph 3 as the method or combination of methods that predicts the lowest maximum concentration of the contaminant at a point of impingement, or

- ii. a method or combination of methods that, according to an approved dispersion model, would not result in a contravention of section 19 or 20, whichever is applicable. O. Reg. 516/07, s. 22; O. Reg. 507/09, s. 27 (4).

#### NOTICE OF POSSIBLE CONTRAVENTIONS

##### Notice to provincial officer as a result of modelling or measurements

**28.** (1) A person who discharges or causes or permits the discharge of a contaminant shall, as soon as practicable, notify a provincial officer in writing if,

- (a) the person uses an approved dispersion model to predict concentrations of the contaminant that result from the discharges and,
  - (i) the use of the model indicates that discharges of the contaminant may result in a contravention of section 19 or 20, or
  - (ii) sections 19 and 20 do not apply to discharges of the contaminant and the use of the model indicates that discharges of the contaminant may cause an adverse effect;
- (b) measurements of air samples indicate that discharges of the contaminant may result in a contravention of section 19 or 20; or
- (c) sections 19 and 20 do not apply to discharges of the contaminant and measurements of air samples indicate that discharges of the contaminant may cause an adverse effect. O. Reg. 419/05, s. 28 (1); O. Reg. 516/07, s. 23 (1, 2); O. Reg. 507/09, s. 28 (1-4).

(1.1) The Director may give written notice to a person who discharges or causes or permits the discharge of a contaminant requiring the person to notify a provincial officer in writing, at regular intervals specified by the Director, of any circumstances described in clause (1) (a), (b) or (c). O. Reg. 605/05, s. 7 (1).

(1.1.1) Before the Director gives a person a notice under subsection (1.1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 15 days after the draft is given. O. Reg. 516/07, s. 23 (3).

(1.2) Subsection (1) does not apply to a person who complies with a notice given by the Director under subsection (1.1). O. Reg. 605/05, s. 7 (1).

(2) If a person is required to give notice under subsection (1) or (1.1) of circumstances described in clause (1) (a) and, according to the approved dispersion model, discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at a point of impingement, the Director may give the person a written notice requiring the person to provide the Director with the following in accordance with the notice:

- 1. A written statement or map identifying the location of the point of impingement.
- 2. A written statement specifying the highest concentration of the contaminant that the approved dispersion model predicts for the point of impingement.
- 3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of averaging periods in,
  - i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),
  - ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
  - iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 419/05, s. 28 (2); O. Reg. 605/05, s. 7 (2); O. Reg. 516/07, s. 23 (4-6); O. Reg. 507/09, s. 28 (5, 6).

(2.1) If subsection (2) authorizes the Director to give a person a notice, the Director may instead give the person a written notice requiring the person to provide the Director with the following in accordance with the notice:

- 1. A written statement or map identifying the location of points of impingement specified in the notice.
- 2. A written statement specifying the concentration of the contaminant that the approved dispersion model predicts at points of impingement specified in the notice.
- 3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of



the concentration of the contaminant at points of impingement specified in the notice, expressed as a percentage of the number of averaging periods in,

- i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),
- ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
- iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 516/07, s. 23 (7); O. Reg. 507/09, s. 28 (7).

(2.2) If a notice requires a person to provide the Director with information referred to in subsection (2) or (2.1), the person shall provide the information using,

- (a) the AERMOD dispersion model described in paragraph 1 of subsection 6 (1); or
- (b) REVOKED: O. Reg. 507/09, s. 28 (8).
- (c) a dispersion model or combination of dispersion models that,
  - (i) pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, and
  - (ii) is capable of providing the information referred to in subsection (2) or (2.1), as the case may be. O. Reg. 516/07, s. 23 (7); O. Reg. 507/09, s. 28 (8).

(3) If a person is required to give notice under subsection (1) or (1.1) of circumstances described in clause (1) (b) or (c) and, according to measurements of air samples collected at a point of impingement, discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, the Director may give the person a written notice requiring the person to provide the Director in writing with the following in accordance with the notice:

1. A written statement or map identifying the location of the point of impingement.
2. A written statement specifying the number of air samples that were collected at the point of impingement and measured for the contaminant.
3. A written statement specifying the number of air samples that were collected at the point of impingement and measured for the contaminant and that indicated that discharges of the contaminant may result in a contravention of section 19 or 20 or cause an adverse effect because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of air samples referred to in paragraph 2. O. Reg. 419/05, s. 28 (3); O. Reg. 605/05, s. 7 (3); O. Reg. 516/07, s. 23 (8); O. Reg. 507/09, s. 28 (9, 10).

#### **Abatement plan**

**29.** (1) A person who gives a notice to a provincial officer under subsection 28 (1) or (1.1) in respect of a contaminant shall, not later than 30 days after giving the notice, prepare and submit to a provincial officer a written abatement plan for the contaminant that recommends steps that should be taken to prevent discharges of the contaminant from resulting in a contravention of section 19 or 20 or an adverse effect. O. Reg. 419/05, s. 29 (1); O. Reg. 605/05, s. 8 (1); O. Reg. 507/09, s. 29.

(2) Subsection (1) does not apply if,

- (a) an abatement plan for the contaminant is already required to be submitted to a provincial officer within the 30-day period referred to in subsection (1);
- (a.1) an abatement plan for the contaminant has previously been submitted to a provincial officer under subsection (1) and the Director is satisfied that another plan is not necessary; or
- (b) a plan for the contaminant was submitted to the Ministry before November 30, 2005 and the Director is satisfied that it is not necessary to prepare and submit an abatement plan under subsection (1). O. Reg. 419/05, s. 29 (2); O. Reg. 605/05, s. 8 (2).

#### **Upper risk thresholds**

**30.** (1) A person who discharges or causes or permits the discharge of a contaminant listed in Schedule 6 into the air shall comply with subsections (3) and (4) if there is reason to believe, based on any relevant information, that discharges of the contaminant may result in,

- (a) the concentration of the contaminant exceeding the half hour upper risk threshold set out for that contaminant in Schedule 6 at a point of impingement, if section 19 applies to the person in respect of the contaminant; or

(b) the other time period upper risk threshold set out for that contaminant in Schedule 6 at a point of impingement, if section 20 applies to the person in respect of the contaminant. O. Reg. 516/07, s. 24 (1); O. Reg. 507/09, s. 30 (1).

(1.1) The two items in Schedule 6 that set out upper risk thresholds for total reduced sulphur (TRS) compounds specify the facilities to which they apply. O. Reg. 516/07, s. 24 (1).

(2) Without limiting the generality of subsection (1), the reference in that subsection to relevant information includes relevant information from predictions of a dispersion model, including,

(a) an approved dispersion model or other dispersion model; or

(b) a dispersion model that is not used in accordance with this Regulation. O. Reg. 419/05, s. 30 (2).

(3) If subsection (1) applies to a discharge, the person who discharged or caused or permitted the discharge of the contaminant shall immediately notify the Director in writing. O. Reg. 419/05, s. 30 (3).

(4) If subsection (1) applies to a discharge, the person who discharged or caused or permitted the discharge of the contaminant shall, within three months after the discharge, prepare a report in accordance with section 26 and submit the report to the Director. O. Reg. 419/05, s. 30 (4).

(5) If a person is required to prepare a report under subsection (4) and section 20 does not apply to the person in respect of the contaminant, section 20 shall be deemed to apply for the purpose of preparing the report and for the purpose of subsections (7) and (8). O. Reg. 419/05, s. 30 (5).

(5.1) A person who prepares a report required by subsection (4) shall prepare the report using,

(a) the AERMOD dispersion model described in paragraph 1 of subsection 6 (1); or

(b) REVOKED: O. Reg. 507/09, s. 30 (2).

(c) a dispersion model or combination of dispersion models that,

(i) pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, and

(ii) is capable of providing the information referred to in subsection (7). O. Reg. 516/07, s. 24 (2); O. Reg. 507/09, s. 30 (2).

(5.2) Despite subsections 10 (1) and (2), a person who prepares a report required by subsection (4) shall use an approved dispersion model in accordance with both of the scenarios described in subsection 10 (1). O. Reg. 507/09, s. 30 (3).

(6) Paragraphs 1, 1.1, 2 and 2.1 of subsection 13 (1) do not apply to a person who prepares a report required by subsection (4) unless meteorological data described in paragraphs 3 and 4 of subsection 13 (1) is not available and cannot reasonably be available in time to prepare the report within the three-month period referred to in subsection (4). O. Reg. 419/05, s. 30 (6); O. Reg. 516/07, s. 24 (3).

(6.1) If a report is required by subsection (4) to be prepared in accordance with section 26, it is not necessary for the lists of contaminants required by paragraphs 2 and 4 of subsection 26 (1) to include any contaminant other than the contaminant in respect of which the Director must be notified under subsection (3). O. Reg. 516/07, s. 24 (4).

(6.2) A person who is required to prepare a report under subsection (4) shall ensure that the table required by paragraph 14 of subsection 26 (1) contains the following additional information:

1. The other time period upper risk threshold set out for the contaminant in Schedule 6.

2. A comparison of the concentration referred to in subparagraph 14 v of subsection 26 (1) and the other time period upper risk threshold set out for the contaminant in Schedule 6, expressed as a percentage of the threshold. O. Reg. 516/07, s. 24 (4).

(7) If, according to an approved dispersion model that is used for the purpose of preparing a report under subsection (4), discharges of a contaminant may result in a contravention of section 20 because of the concentration of the contaminant at a point of impingement located on a place referred to in subsection (8), the person who prepares the report shall include the following in the report:

1. A statement or map identifying the place that the point of impingement is located on.

2. A statement specifying the highest concentration of the contaminant that the approved dispersion model predicts for the point of impingement.

3. A statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of a contaminant may result in a contravention of section 20 because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of averaging periods in,

i. a period of five years, if the approved dispersion model was used in accordance with meteorological data described in paragraph 1, 1.1, 2 or 2.1 of subsection 13 (1),

- ii. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
- iii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 516/07, s. 24 (5).

(8) The following places are the places referred to in subsection (7) and in subsection 35 (2):

- 1. A health care facility.
- 2. A senior citizens' residence or long-term care facility.
- 3. A child care facility.
- 4. An educational facility.
- 5. A dwelling.
- 6. A place specified by the Director in a notice under subsection (9) as a place where discharges of a contaminant may cause a risk to human health. O. Reg. 419/05, s. 30 (8); O. Reg. 507/09, s. 30 (4).

(9) For the purpose of paragraph 6 of subsection (8), the Director may give written notice to a person who is required to notify the Director under subsection (3) stating that the Director is of the opinion that the discharge may cause a risk to human health at a place specified in the notice. O. Reg. 419/05, s. 30 (9).

(10) Before the Director gives a person a notice under subsection (9), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends five business days after the draft is given. O. Reg. 419/05, s. 30 (10).

(11) If, according to measurements of air samples collected at a point of impingement, discharges of a contaminant may result in a contravention of section 19 or 20 because of the concentration of the contaminant at the point of impingement, a person who prepares a report under subsection (4) shall include in the report,

- (a) a statement or map identifying the place that the point of impingement is located on;
- (b) a statement specifying the number of air samples that were collected at the point of impingement and measured for the contaminant; and
- (c) a statement specifying the number of air samples that were collected at the point of impingement and measured for the contaminant and that indicated that discharges of the contaminant may result in a contravention of section 19 or 20 because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of air samples referred to in clause (b). O. Reg. 419/05, s. 30 (11); O. Reg. 507/09, s. 30 (5, 6).

(12) Subsection (4) does not apply if the Director is satisfied that discharges of the contaminant will not result in a contravention of section 19 or 20 and will not cause an adverse effect. O. Reg. 419/05, s. 30 (12); O. Reg. 507/09, s. 30 (7).

(13) Subsection (4) does not apply if,

- (a) a report in accordance with section 26 that relates to the contaminant is already required to be submitted to the Director within the three-month period referred to in subsection (4); or
- (b) a report that relates to the contaminant has previously been submitted to the Director under subsection (4) and the Director is satisfied that another report is not necessary. O. Reg. 605/05, s. 9.

(14) Subsections (3) and (4) do not apply if the reason to believe referred to in subsection (1) is based on predictions of a dispersion model that is used in the preparation of a report under subsection (4). O. Reg. 605/05, s. 9.

**Obligations under another Act; failure to operate in normal manner**

**31.** (1) A person who discharges or causes or permits the discharge of a contaminant from a stationary source of air pollution shall, if a contravention of section 19 or 20 may occur as a result of an obligation arising under another Act or a failure to operate the stationary source of air pollution in the normal manner,

- (a) immediately notify a provincial officer of the particulars of the obligation arising under the other Act or the failure to operate the stationary source of air pollution in the normal manner; and
- (b) as soon as practicable, furnish the provincial officer in writing with the particulars of the obligation arising under the other Act or the failure to operate the stationary source of air pollution in the normal manner. O. Reg. 419/05, s. 31 (1); O. Reg. 507/09, s. 31 (1).

(1.1) A person who gives notice under subsection (1) shall notify a provincial officer in writing as soon as practicable after the obligation arising under the other Act ends or operation of the stationary source of air pollution in the normal manner resumes. O. Reg. 605/05, s. 10 (1).

- (2) Section 19 or 20 does not apply to a discharge from a stationary source of air pollution if,
- (a) notice is given to a provincial officer in accordance with subsection (1);
  - (b) the Director is satisfied that a contravention of section 19 or 20, as the case may be, may occur as a result of the obligation arising under the other Act or the failure to operate the stationary source of air pollution in the normal manner;
  - (c) the Director gives written authorization for the operation of the stationary source of air pollution despite section 19 or 20, as the case may be; and
  - (d) the stationary source of air pollution is operated in accordance with any conditions specified in the authorization that the Director considers reasonable in the circumstances. O. Reg. 419/05, s. 31 (2); O. Reg. 507/09, s. 31 (2-4).
- (3) The Director shall not give the authorization referred to in clause (2) (c) as a result of a failure to operate the stationary source of air pollution in the normal manner unless the Director is satisfied that the failure could not reasonably have been anticipated. O. Reg. 419/05, s. 31 (3).
- (4) Subsection (2) applies only until the earlier of the following dates:
1. The date the obligation arising under the other Act ends or operation of the stationary source of air pollution in the normal manner resumes.
  2. A date set out in the authorization that the Director considers reasonable in the circumstances and that is not more than three months after the date the authorization is given. O. Reg. 605/05, s. 10 (2).

#### SITE-SPECIFIC CONTAMINANT CONCENTRATION STANDARDS

##### **Request for site-specific standard**

**32.** (1) A person may request that the Director set a site-specific standard for a contaminant listed in Schedule 3, for the averaging period specified by the person under paragraph 0.1 of subsection 33 (1), if any of the following circumstances apply:

1. REVOKED: O. Reg. 507/09, s. 32 (2).
2. The person discharges or causes or permits the discharge of the contaminant from a facility to which, pursuant to subclause 20 (3) (b) (i), section 20 will first apply in respect of the contaminant on February 1, 2013 and, according to an approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.
3. The person discharges or causes or permits the discharge of the contaminant from a facility to which, pursuant to subclause 20 (3) (e), section 20 will first apply in respect of the contaminant on February 1, 2020 and, according to an approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.
4. The person discharges or causes or permits the discharge of the contaminant from a facility, construction of the facility began after November 30, 2005, no application was made on or before that day for a certificate of approval in respect of the facility, the contaminant is listed in Schedule 7 and, according to an approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.
5. The person discharges or causes or permits the discharge of the contaminant from a facility, the contaminant is listed in Schedule 7, discharges of the contaminant from the facility would result, according to an approved dispersion model, in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period, and,
  - i. construction of the facility was completed or began on or before November 30, 2005, or
  - ii. an application was made on or before November 30, 2005 for a certificate of approval in respect of the facility.
6. Because of notice given by the Director before February 1, 2020 under subsection 7 (1), there is only one approved dispersion model that may be used by the person with respect to the contaminant and the specified averaging period, the person discharges or causes or permits the discharge of the contaminant from a facility and, according to that approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.
7. Because of notice given by the Director on or after February 1, 2020 under subsection 7 (1), there is only one approved dispersion model that may be used by the person with respect to the contaminant and the specified averaging period, that approved dispersion model is not referred to in paragraphs 1 to 5 of subsection 6 (1), the person discharges or

causes or permits the discharge of the contaminant from a facility and, according to that approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.

8. The person discharges or causes or permits the discharge of the contaminant from a facility to which section 20 applies in respect of the contaminant pursuant to subclause 20 (3) (d) and, according to an approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.

8.1 The person discharges or causes or permits the discharge of the contaminant from a facility, the Director has set a site-specific standard for the contaminant and the specified averaging period in respect of the facility under subsection 35 (1) and, according to an approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the specified averaging period that would apply if the site-specific standard had not been set by the Director.

9. The person is required to make a request under this subsection as part of a plan developed or amended pursuant to an order under section 7 or 17 of the Act or paragraph 7 or 8 of subsection 18 (1) of the Act. O. Reg. 507/09, s. 32 (1, 2); O. Reg. 282/11, s. 6 (1-9).

(2) Subsection (1) applies, with necessary modifications, to a standard for the contaminant and the specified averaging period that is set out in an amendment to Schedule 3 that has not yet come into force. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 6 (10).

(3) Section 20 shall be deemed to apply for the purpose of determining what the references to an approved dispersion model mean in subsection (1). O. Reg. 507/09, s. 32 (1).

(4) An application for an environmental compliance approval or amendment to an environmental compliance approval may be made in conjunction with a request under subsection (1). O. Reg. 507/09, s. 32 (1); O. Reg. 264/11, s. 3 (1).

(5) REVOKED: O. Reg. 507/09, s. 32 (3).

(6) A person who makes a request under subsection (1) that relies on paragraph 2 of subsection (1) may not make the request before February 1, 2010 or after October 31, 2011. O. Reg. 507/09, s. 32 (1).

(7) A person who makes a request under subsection (1) that relies on paragraph 3 of subsection (1) may not make the request before February 1, 2013 or after October 31, 2017. O. Reg. 507/09, s. 32 (1).

(8) A person who makes a request under subsection (1) that relies on paragraph 4 of subsection (1) may not make the request if, after November 30, 2005 and before the day the request is made, an application in respect of the facility was made or continued under section 20.2 of the Act for an environmental compliance approval, unless the application has not yet been determined. O. Reg. 507/09, s. 32 (1); O. Reg. 264/11, s. 3 (2).

(9) Despite subsection (8), if a person makes a request under subsection (1) that relies on paragraph 4 or 5 of subsection (1) in respect of a standard for the contaminant and the specified averaging period that is set out in an amendment to Schedule 3 that has not yet come into force, the person may not make the request after the later of the following dates:

1. The date that is 12 months after the regulation that amends Schedule 3 is filed.

2. The date that is 15 months before the amendment to Schedule 3 comes into force. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 6 (11).

(10) A person who makes a request under subsection (1) that relies on paragraph 6 or 7 of subsection (1) may not make the request after the third anniversary of the day the Director gave the notice under subsection 7 (1). O. Reg. 507/09, s. 32 (1).

(11) A person who makes a request under subsection (1) that relies on paragraph 8 of subsection (1) may not make the request after the third anniversary of the day the Director gave the notice or made the order under subsection 20 (4) or (5). O. Reg. 507/09, s. 32 (1).

(12) A person who makes a request under subsection (1) that relies on paragraph 8.1 of subsection (1) may not make the request less than 15 months before the last day of the period specified by the Director under subsection 35 (9) in respect of the site-specific standard previously set by the Director. O. Reg. 282/11, s. 6 (12).

#### **Information to be included with request**

**33.** (1) A person who makes a request under section 32 shall include the following in the request:

0.1 A statement specifying an averaging period for the purpose of the request in accordance with subsection (1.1).

1. A report prepared in accordance with section 26.

2. If, according to the approved dispersion model that was used for the purpose of preparing the report referred to in paragraph 1, discharges of the contaminant may result in a contravention of section 20 because of the concentration of the contaminant at a point of impingement,

- i. a written statement or map identifying the location of the point of impingement,
- ii. a written statement specifying the highest concentration of the contaminant that the approved dispersion model predicts for the point of impingement, and
- iii. a written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 20 because of the concentration of the contaminant at the point of impingement, expressed as a percentage of the number of averaging periods in,
  - A. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
  - B. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1).
- 3. A list of all the methods that are used by other persons, or are available for use, to reduce concentrations of the contaminant at any point, including methods such as the use of pollution control technology or changes to equipment, processes or materials.
- 4. An analysis of the methods identified under paragraph 3, and combinations of those methods, to determine which are technically feasible with respect to the sources of contaminant to which the request relates.
- 5. A list of the methods and combinations of methods that are determined under paragraph 4 to be technically feasible.
- 6. A ranking of the methods and combinations of methods identified under paragraph 5, based on the maximum concentration of the contaminant that, according to an approved dispersion model, would result at a point of impingement if each method or combination of methods were used with respect to the sources of contaminant to which the request relates.
- 7. Unless a plan is included under paragraph 4 of subsection (4), a plan on how to implement,
  - i. the method or combination of methods that is ranked under paragraph 6 as the method or combination of methods that predicts the lowest maximum concentration of the contaminant at a point of impingement, or
  - ii. a method or combination of methods that, according to an approved dispersion model, would not result in a contravention of section 20.
- 8. If a public meeting is held under subsection 34 (1) before the request is made under section 32, a description of the steps taken under section 34 by the person making the request, including a summary of the questions asked and comments made by persons who attended the public meeting and the responses of the person making the request. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 7 (1, 2).

(1.1) The averaging period specified under paragraph 0.1 of subsection (1) must be an averaging period for which a standard is set out for the contaminant in Schedule 3 or in an amendment to Schedule 3 that has not yet come into force. O. Reg. 282/11, s. 7 (3).

(2) Paragraph 2 of subsection (1) does not apply if the Director gives the person a written notice requiring that the request include the following in accordance with the notice:

- 1. A written statement or map identifying the location of points of impingement specified in the notice.
- 2. A written statement specifying the concentration of the contaminant that the approved dispersion model predicts at points of impingement specified in the notice.
- 3. A written statement specifying the number of averaging periods for which the approved dispersion model predicts that discharges of the contaminant may result in a contravention of section 20 or cause an adverse effect because of the concentration of the contaminant at points of impingement specified in the notice, expressed as a percentage of the number of averaging periods in,
  - i. a period equal to the length of the period over which the meteorological data was collected, if the approved dispersion model was used in accordance with local or site-specific meteorological data described in paragraph 3 of subsection 13 (1), or
  - ii. a period equal to the length of the period that was used for the purposes of the computational method, if the approved dispersion model was used in accordance with meteorological data obtained from a computational method in accordance with paragraph 4 of subsection 13 (1). O. Reg. 507/09, s. 32 (1).

(3) A person who makes a request under section 32 shall prepare the report required by paragraph 1 of subsection (1), and provide the information required by paragraph 2 of that subsection or by subsection (2), using,

- (a) the AERMOD dispersion model described in paragraph 1 of subsection 6 (1); or

- (b) REVOKED: O. Reg. 507/09, s. 32 (4).
- (c) a dispersion model or combination of dispersion models that,
  - (i) pursuant to subsection 7 (3), is deemed to be included in references in this Part to approved dispersion models, and
  - (ii) is capable of providing the information referred to in paragraph 2 of subsection (1) or in subsection (2), as the case may be. O. Reg. 507/09, s. 32 (1, 4).
- (4) A person who makes a request under section 32 may include the following in a part of the request that is separate from the part of the request that contains the material required by subsection (1):
  1. An analysis of the economic feasibility of the methods and combinations of methods that are determined under paragraph 4 of subsection (1) to be technically feasible.
  2. A list of the methods and combinations of methods that are determined under paragraph 1 to be economically feasible.
  3. A ranking of the methods and combinations of methods identified under paragraph 2, based on the maximum concentration of the contaminant that, according to an approved dispersion model, would result at a point of impingement if each method or combination of methods were used with respect to the sources of contaminant to which the request relates.
  4. A plan on how to implement,
    - i. the method or combination of methods that is ranked under paragraph 3 as the method or combination of methods that predicts the lowest maximum concentration of the contaminant at a point of impingement, or
    - ii. a method or combination of methods that, according to an approved dispersion model, would not result in a contravention of section 20. O. Reg. 507/09, s. 32 (1).
- (5) Subsection (4) does not apply to a person who makes a request under section 32 that relies on paragraph 4 of subsection 32 (1). O. Reg. 507/09, s. 32 (1).
- (6) If a person makes a request under section 32 and section 20 does not apply to the person in respect of the contaminant that is the subject of the request, section 20 shall be deemed to apply to the person in respect of the contaminant for the purpose of preparing the report required by paragraph 1 of subsection (1). O. Reg. 507/09, s. 32 (1).
- (7) Despite subsections 10 (1) and (2), a person who prepares a report required by paragraph 1 of subsection (1) shall, for the contaminant that is the subject of the request, use an approved dispersion model in accordance with both of the scenarios described in subsection 10 (1). O. Reg. 507/09, s. 32 (1).
- (8) Paragraphs 1 and 2 of subsection 11 (1) do not apply to a person who prepares a report required by paragraph 1 of subsection (1). O. Reg. 507/09, s. 32 (1).
- (9) Despite subsection (8), a person who prepares a report required by paragraph 1 of subsection (1) may use an approved dispersion model with an emission rate determined in accordance with paragraph 2 of subsection 11 (1), if the Director is of the opinion that the report will accurately determine the concentrations of contaminants. O. Reg. 507/09, s. 32 (1).
- (10) Paragraphs 1, 1.1 and 2 of subsection 13 (1) do not apply to a person who prepares a report required by paragraph 1 of subsection (1). O. Reg. 507/09, s. 32 (1, 5).

**Public meeting before request**

**34.** (1) Subject to subsection (1.1), a person making a request under section 32 shall, before making the request, hold a public meeting on the proposed request. O. Reg. 282/11, s. 8 (1).

(1.1) A person making a request under section 32 may make the request without holding a public meeting or without complying with subsections (2) to (4) if the Director has ever set a site-specific standard under section 35 for the same contaminant in respect of the same facility, even if the site-specific standard was for a different averaging period. O. Reg. 282/11, s. 8 (1).

(2) The person making a request under section 32 shall, at least 15 days before the public meeting required by subsection (1),

- (a) publish a notice in a newspaper having general circulation in the area where the source of contaminant is located, setting out the name, address and telephone number of the person and informing the public of the person's intention to make the proposed request, the purpose of the request and the date, time and place of the meeting; and
- (b) ensure that all of the information contained in the notice referred to in clause (a) is given in writing to,
  - (i) the owners and occupants of,
    - (A) every property that adjoins or is within 500 metres of the property on which the source of contaminant is located, and

- (B) every property where, according to an approved dispersion model, there is a point of impingement where, as a result of discharges of the contaminant that is the subject of the request, the concentration of the contaminant may exceed the standard set out in Schedule 3 for the contaminant for the averaging period specified under paragraph 0.1 of subsection 33 (1),
  - (ii) the medical officer of health for the health unit in which the source of contaminant is located and the medical officer of health for each health unit in which a property described in subclause (i) is located,
  - (iii) the Ministry, and
  - (iv) each municipality in which the source of contaminant is located and every other municipality that is within 500 metres of the property on which the source of contaminant is located. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 8 (2, 3).
- (3) The person making a request under section 32 shall, at the public meeting required by subsection (1),
  - (a) make available, without charge, to everyone in attendance,
    - (i) a written copy of the executive summary of the report required by paragraph 1 of subsection 33 (1), and
    - (ii) a written explanation, written in language that can be understood by persons without specialized scientific training, of the proposed request, including the materials that are to be included under subsections 33 (1), (2) and (4);
  - (b) offer to provide, without charge, a complete written copy of a draft of the proposed request, including the materials that are to be included under subsections 33 (1), (2) and (4), to every person in attendance who asks for a copy;
  - (c) provide the copies requested under clause (b), or make arrangements to provide those copies as soon as practicable after the meeting;
  - (d) explain the proposed request;
  - (e) explain how the *Environmental Bill of Rights, 1993* will apply to the proposed request; and
  - (f) provide a reasonable opportunity for those in attendance to ask questions of the person making the request under section 32 and to comment on the proposed request. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 8 (4, 5).
- (4) The person making a request under section 32 shall provide, without charge, written material referred to in clause (3) (a) or (b) as soon as practicable to any person who makes a request for the material within 30 days after the public meeting required by subsection (1). O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 8 (6).

**Public meeting required by Director**

**34.1** (1) The Director may give a person who has made a request under section 32 a notice requiring the person to hold a public meeting on the request if both of the following criteria are met:

1. Pursuant to subsection 34 (1.1),
    - i. the person did not hold a public meeting on the request, or
    - ii. the person held a public meeting on the request but did not comply with subsections 34 (2) to (4).
  2. Any of the following criteria are met:
    - i. The Director is of the opinion that implementation of the plan submitted with the request under paragraph 7 of subsection 33 (1) or paragraph 4 of subsection 33 (4) would require significant changes to the method or combination of methods that was implemented under the corresponding plan that was submitted when the request was made for the site-specific standard previously set by the Director.
    - ii The averaging period specified under paragraph 0.1 of subsection 33 (1) with respect to the request is different from the averaging period that applied to the site-specific standard previously set by the Director.
    - iii. The averaging period specified under paragraph 0.1 of subsection 33 (1) with respect to the request is the same as the averaging period that applied to the site-specific standard previously set by the Director and the Director is of the opinion that the material included in the request under section 33 may justify the setting of a site-specific standard that is less stringent than the previously-established standard.
    - iv. The Director is of the opinion that subsection 35 (2) may not permit the Director to approve the request. O. Reg. 282/11, s. 9.
- (2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 282/11, s. 9.
- (3) If a person is required to hold a public meeting under subsection (1),



- (a) the person shall hold the meeting before the date specified by the Director in the notice given under subsection (1); and
  - (b) the person shall, within the period specified by the Director in the notice given under subsection (1), provide the Director with a description of the steps taken under subsections (4) to (6) by the person, including a summary of the questions asked and comments made by persons who attended the public meeting and the responses of the person making the request. O. Reg. 282/11, s. 9.
- (4) The person who made the request under section 32 shall, at least 15 days before a public meeting required under this section,
- (a) publish a notice in a newspaper having general circulation in the area where the source of contaminant is located, setting out the name, address and telephone number of the person and informing the public of the request, the purpose of the request and the date, time and place of the meeting; and
  - (b) ensure that all of the information contained in the notice referred to in clause (a) is given in writing to,
    - (i) the owners and occupants of,
      - (A) every property that adjoins or is within 500 metres of the property on which the source of contaminant is located, and
      - (B) every property where, according to an approved dispersion model, there is a point of impingement where, as a result of discharges of the contaminant that is the subject of the request, the concentration of the contaminant may exceed the standard set out in Schedule 3 for the contaminant for the averaging period specified under paragraph 0.1 of subsection 33 (1),
    - (ii) the medical officer of health for the health unit in which the source of contaminant is located and the medical officer of health for each health unit in which a property described in subclause (i) is located,
    - (iii) the Ministry, and
    - (iv) each municipality in which the source of contaminant is located and every other municipality that is within 500 metres of the property on which the source of contaminant is located. O. Reg. 282/11, s. 9.
- (5) The person who made the request under section 32 shall, at a public meeting required under this section,
- (a) make available, without charge, to everyone in attendance,
    - (i) a written copy of the executive summary of the report that was included in the request under paragraph 1 of subsection 33 (1), and
    - (ii) a written explanation, written in language that can be understood by persons without specialized scientific training, of the request, including the materials described in subsections 33 (1), (2) and (4);
  - (b) offer to provide, without charge, a complete written copy of the request, including the materials described in subsections 33 (1), (2) and (4), to every person in attendance who asks for a copy;
  - (c) provide the copies requested under clause (b), or make arrangements to provide those copies as soon as practicable after the meeting;
  - (d) explain the request;
  - (e) explain how the *Environmental Bill of Rights, 1993* applies to the request; and
  - (f) provide a reasonable opportunity for those in attendance to ask questions of the person who made the request under section 32 and to comment on the request. O. Reg. 282/11, s. 9.
- (6) The person who made the request under section 32 shall provide, without charge, written material referred to in clause (5) (a) or (b) as soon as practicable to any person who makes a request for the material within 30 days after a public meeting required under this section. O. Reg. 282/11, s. 9.

**Approval of request to set site-specific standard**

- 35.** (1) The Director may approve a request under section 32 and set a site-specific standard for the contaminant that is the subject of the request if,
- (a) the person making the request has complied with sections 32 to 34.1; and
  - (b) the Director is of the opinion that,
    - (i) the person making the request cannot comply with section 20 with respect to the standard set out in Schedule 3 for the contaminant for the averaging period specified under paragraph 0.1 of subsection 33 (1) because,
      - (A) it is not technically feasible for the person to comply, in the case of a person who is relying on any paragraph of subsection 32 (1), or

(B) it is not economically feasible for the person to comply, in the case of a person who is relying on a paragraph of subsection 32 (1) other than paragraph 4,

(ii) the difference between the standard set out in Schedule 3 for the contaminant for the averaging period specified in paragraph 0.1 of subsection 33 (1) and the site-specific standard set by the Director for the contaminant is the minimum difference necessary to enable the person to comply with section 20 with respect to the contaminant, and

(iii) there is no public interest reason sufficient to require the denial of the request. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, ss. 10 (1-4).

(2) Despite subsection (1), the Director shall not approve a request under section 32 to set a site-specific standard for a contaminant if the contaminant is listed in Schedule 6 and the Director is of the opinion that the site-specific standard is likely to permit discharges of the contaminant that too frequently result in the concentration of the contaminant at a point of impingement located on a place referred to in subsection 30 (8) exceeding the other time period upper risk threshold set out for the contaminant in Schedule 6. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 10 (5).

(3) The Director shall not approve or refuse to approve a request under section 32 unless the Director first gives the person making the request a draft of the approval or refusal and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 32 (1).

(3.1) If the Director approves a request under section 32 and sets a site-specific standard, the approval shall specify that the standard applies only to the averaging period specified under paragraph 0.1 of subsection 33 (1). O. Reg. 282/11, s. 10 (6).

(4) Subject to subsection (4.1), if a site-specific standard for a contaminant is set by the Director under subsection (1), references in this Regulation to a standard set out in Schedule 3 for the contaminant shall be deemed, for the averaging period specified by the Director, to be references to the site-specific standard. O. Reg. 282/11, s. 10 (7).

(4.1) Subsection (4) does not apply to the following references:

1. References to a standard set out in an amendment to Schedule 3.

2. References in this section, sections 32 to 34.1 and sections 36 to 37.1 to a standard set out in Schedule 3. O. Reg. 282/11, s. 10 (7).

(5) Subsection (4) applies only to the facility to which the request related. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 10 (8).

(6) The Director may impose conditions in an approval under subsection (1). O. Reg. 507/09, s. 32 (1).

(7) If conditions are imposed under subsection (6),

(a) subsection (4) applies only if the conditions are complied with; and

(b) the person who made the request under section 32 shall notify the Director when the conditions have been complied with. O. Reg. 507/09, s. 32 (1).

(8) Subsection (7) applies, with necessary modifications, to conditions that are imposed in an environmental compliance approval to ensure compliance with section 20 with respect to a contaminant for which a site-specific standard has been set by the Director under this section. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 10 (9); O. Reg. 264/11, s. 4.

(9) Subsection (4) applies only to a period specified by the Director in the approval that ends at least five years and not more than 10 years after the period begins. O. Reg. 282/11, s. 10 (10).

(9.1) If an amendment to Schedule 3 that has not yet come into force sets out a standard for a contaminant, and a site-specific standard set by the Director applies to the same contaminant and the same averaging period, the period specified by the Director under subsection (9) shall not begin earlier than the date the amendment comes into force unless specifically requested by the person making the request. O. Reg. 282/11, s. 10 (10).

(10) Subsection (9) does not prevent the making of further requests under section 32 in respect of the contaminant but, in considering a further request, the Director may consider the number of previous requests that have been made for the source of contaminant that is the subject of the request. O. Reg. 507/09, s. 32 (1).

(11) If a site-specific standard for a contaminant is set by the Director under this section and a further request is made under section 32 in respect of the contaminant, subsections 32 (6) to (11) do not apply. O. Reg. 507/09, s. 32 (1, 6); O. Reg. 282/11, s. 10 (11).

(12) The Director shall consider the following matters when he or she decides whether to impose conditions under subsection (6), what those conditions should be, and what period to specify under subsection (9):

1. The nature of the contaminant.

2. The frequency with which the inability to comply with section 20 referred to in subclause (1) (b) (i) would occur.

3. Whether there are any acute effects associated with the contaminant. O. Reg. 507/09, s. 32 (1).

(13) If the Director approves a request under subsection (1), the person who made the request shall, without charge,

- (a) give a copy of the approval to any person within 15 days after the person requests it; and
- (b) make available for inspection by any person at the facility during regular business hours, during the period specified by the Director under subsection (9),
  - (i) a written explanation, written in language that can be understood by persons without specialized scientific training, of the request, including the materials that were included under subsections 33 (1), (2) and (4), and
  - (ii) a complete written copy of the request, including the materials that were included under subsections 33 (1), (2) and (4). O. Reg. 282/11, s. 10 (12).

(14) If the Director sets a site-specific standard, he or she may make an order requiring a person to whom the site-specific standard applies to take steps specified by the order, not later than the dates specified in the order, that are related to complying with section 20, having regard to subsection (4). O. Reg. 282/11, s. 10 (13).

(15) An order made under subsection (14) does not apply if the person against whom the order was made complies with section 20, having regard to subsection (4). O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 10 (14).

(16) If the Director makes an order under subsection (14), the person against whom the order was made shall give a copy of the order to any person who requests it. O. Reg. 507/09, s. 32 (1).

#### **Amendments related to site-specific standard**

**36.** (1) If the Director sets a site-specific standard under subsection 35 (1), the Director may give a person to whom the site-specific standard applies a notice,

- (a) altering the conditions imposed under subsection 35 (6);
- (b) altering the period referred to in subsection 35 (9) so that it ends on an earlier date, if the Director is of the opinion that the person should be capable of complying with a more stringent standard by the earlier date;
- (c) altering the period referred to in subsection 35 (9) so that it ends on a later date that is not more than 10 years after the date the period began;
- (d) replacing the site-specific standard with a more stringent site-specific standard, if the Director is of the opinion that,
  - (i) the person is capable of complying with the more stringent site-specific standard, or
  - (ii) discharges of the contaminant that are permitted by the site-specific standard may cause an adverse effect;
- (e) replacing the site-specific standard with a site-specific standard for another averaging period, if Schedule 3 sets out a standard for the other averaging period and, after the first-mentioned site-specific standard was set, an amendment to Schedule 3 removed the standard set out in Schedule 3 for the averaging period to which the first-mentioned site-specific standard applied; or
- (f) setting an additional site-specific standard for another averaging period, if,
  - (i) after the first site-specific standard was set, an amendment to Schedule 3 added a new standard that applies to the other averaging period, and
  - (ii) the Director is of the opinion that the additional site-specific standard can be complied with by implementing the plan that was submitted under paragraph 7 of subsection 33 (1) or paragraph 4 of subsection 33 (4) with the request that related to the first site-specific standard. O. Reg. 282/11, s. 11.

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 90 days after the draft is given. O. Reg. 282/11, s. 11.

(3) References in this Regulation to a site-specific standard set under subsection 35 (1) include a replacement site-specific standard or additional site-specific standard set under clause (1) (d), (e) or (f). O. Reg. 282/11, s. 11.

#### **Revocation of site-specific standard**

**37.** (1) The Director may give a person to whom a site-specific standard applies a written notice revoking the site-specific standard if the Director is of the opinion that,

- (a) discharges of a contaminant that are permitted as a result of the site-specific standard may cause an adverse effect;
- (b) conditions referred to in subsection 35 (6) or (8) are not being met;
- (c) the person is unable to comply with section 20, even though the site-specific standard was set; or
- (d) the person would be able to comply with section 20 without the site-specific standard. O. Reg. 282/11, s. 12.

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 32 (1).

#### **Transition**

**37.1** (1) If, before the day this section came into force, the Director approved a request under section 32 to alter a standard set out in Schedule 3, the altered standard shall be deemed, for the purposes of this Regulation, to be a site-specific standard set by the Director. O. Reg. 282/11, s. 13.

(2) If, before the day this section came into force, a person made a request under section 32 to alter a standard set out in Schedule 3 and the request was not approved or refused by the Director before that day, the Director shall consider the request as if it were a request for a site-specific standard and, for that purpose, the person who made the request shall be deemed, under paragraph 0.1 of subsection 33 (1), to have specified the averaging period of the standard set out in Schedule 3 that was the subject of the request. O. Reg. 282/11, s. 13.

### TECHNICAL STANDARDS FOR CLASSES OF FACILITIES

#### **Technical Standards publication**

**38.** (1) The Minister shall ensure that, with respect to the Technical Standards publication, all of the following criteria are met:

1. Every technical standard set out in the Technical Standards publication is specifically identified in the publication as an industry standard or an equipment standard.
2. For each industry standard that is set out in the Technical Standards publication,
  - i. the Technical Standards publication specifies which classes of facilities the industry standard applies to, and those classes are identified with reference to NAICS codes,
  - ii. the Technical Standards publication specifies which contaminants the industry standard applies to,
  - iii. the Technical Standards publication sets out the steps that shall be taken to comply with the industry standard, and
  - iv. the Technical Standards publication sets out the time periods, if any, within which the steps specified under subparagraph iii shall be taken.
3. The Technical Standards publication indicates that, with respect to each class specified under subparagraph 2 i to which an industry standard applies, and with respect to at least one contaminant to which that standard applies, the Minister is of the opinion that,
  - i. with respect to at least two facilities in the class that are located in Ontario,
    - A. it is not technically feasible to comply with section 19 or 20, whichever is applicable, or
    - B. it is not economically feasible to comply with section 19 or 20, whichever is applicable,
  - ii. compliance, in accordance with subsection 42 (5), with the industry standard that applies to the class and the contaminant,
    - A. is technically and economically feasible with respect to at least one facility in the class that is located in Ontario, and
    - B. will permit efforts that would otherwise be made to comply with section 19 or 20 to be put to better use to protect the natural environment, having regard to subparagraph i,
  - iii. including the industry standard that applies to the class and the contaminant in the Technical Standards publication is more efficient than having the Director consider separate requests under section 32 to set site-specific standards for the contaminant that would otherwise apply to facilities in the class.
4. For each equipment standard that is set out in the Technical Standards publication,
  - i. the Technical Standards publication specifies which classes of facilities the equipment standard applies to, and those classes are identified with reference to NAICS codes,
  - ii. the Technical Standards publication specifies which contaminants the equipment standard applies to,
  - iii. the Technical Standards publication specifies which sources of contaminant the equipment standard applies to,
  - iv. the Technical Standards publication sets out the steps that shall be taken to comply with the equipment standard, and

- v. the Technical Standards publication sets out the time periods, if any, within which the steps specified under subparagraph iv shall be taken.
5. The Technical Standards publication indicates that, with respect to each class specified under subparagraph 4 i to which a equipment standard applies and with respect to at least one contaminant and source of contaminant to which that standard applies, the Minister is of the opinion that,
    - i. at least two facilities in the class that are located in Ontario have the source of contaminant, and
    - ii. compliance, in accordance with subsection 43 (4), with the equipment standard that applies to the class, the contaminant and the source of contaminant is technically and economically feasible with respect to at least one facility in the class that is located in Ontario. O. Reg. 507/09, s. 32 (1); O. Reg. 282/11, s. 14.
- (2) Before a technical standard is set out in the Technical Standards publication, the Minister shall consider whether provisions dealing with the following matters should be included in the technical standard:
1. Notification of and consultation with affected persons before making an application for registration in respect of the technical standard.
  2. The making and retention of records.
  3. Circumstances in which notice is required to be given to the Ministry.
  4. Progress reports relating to implementation of the technical standard. O. Reg. 507/09, s. 32 (1).
- (3) Before an industry standard that applies to a class of facilities is set out in the Technical Standards publication, the Minister shall consider whether compliance, in accordance with subsection 42 (5), with the industry standard may reduce the regulatory burden applicable to facilities in that class for which compliance with section 19 or 20 would otherwise be required. O. Reg. 507/09, s. 32 (1).
- (4) Before an equipment standard that applies to a class of facilities and a source of contaminant is set out in the Technical Standards publication, the Minister shall consider whether compliance, in accordance with subsection 43 (4), with the equipment standard may reduce the regulatory burden applicable to facilities in that class for which consideration of the source of contaminant would otherwise be necessary when using an approved dispersion model for the purposes of this Part. O. Reg. 507/09, s. 32 (1).

#### **Registration**

**39.** (1) A person may apply to the Director for registration in the Ministry's Technical Standards Registry – Air Pollution in respect of,

- (a) an industry standard, facility and contaminant; or
- (b) an equipment standard, facility, contaminant and source of contaminant. O. Reg. 507/09, s. 32 (1).

(2) An application for an environmental compliance approval or amendment to an environmental compliance approval may be made in conjunction with an application for registration under clause (1) (a) or (b) and may request that the environmental compliance approval be consistent with a technical standard. O. Reg. 264/11, s. 5.

(3) The Director shall not approve an application for registration in respect of an industry standard, facility and contaminant unless all of the following criteria are met:

1. The applicant has submitted a completed application for registration to the Director in a form approved by the Director.
2. The Director is of the opinion that the information set out in the application for registration is accurate.
3. The industry standard applies to the facility and the contaminant.
4. The industry standard contains requirements that relate to at least one source of contaminant in the facility.
5. The applicant has complied with,
  - i. any provisions included in the industry standard that deal with notification of and consultation with affected persons before making an application for registration, and
  - ii. any requirements imposed under subsection (5).
6. The Director is of the opinion that,
  - i. discharges of the contaminant from the facility into the air will not cause an adverse effect if subsection 42 (5) or 44 (3) applies to the facility and the contaminant, or
  - ii. any adverse effect that may be caused by discharges of the contaminant from the facility into the air will be better prevented, eliminated or ameliorated if subsection 42 (5) or 44 (3) applies to the facility and the contaminant.

7. There is no other industry standard that applies to the facility and the contaminant that, in the opinion of the Director, would be more appropriate.
  8. The Director is of the opinion that there is no public interest reason sufficient to refuse approval of the application. O. Reg. 507/09, s. 32 (1).
- (4) The Director shall not approve an application for registration in respect of an equipment standard, facility, contaminant and source of contaminant unless all of the following criteria are met:
1. The applicant has submitted a completed application for registration to the Director in a form approved by the Director.
  2. The Director is of the opinion that the information set out in the application for registration is accurate.
  3. The equipment standard applies to the facility, the contaminant and the source of contaminant.
  4. The applicant has complied with,
    - i. any provisions included in the equipment standard that deal with notification of and consultation with affected persons before making an application for registration, and
    - ii. any requirements imposed under subsection (5).
  5. There is no other equipment standard that applies to the facility, the contaminant and the source of contaminant that, in the opinion of the Director, would be more appropriate.
  6. The Director is of the opinion that there is no public interest reason sufficient to refuse approval of the application. O. Reg. 507/09, s. 32 (1).
- (5) The Director may, for the purpose of assisting the Director in considering whether to approve an application for registration under this section, give the applicant written notice requiring the applicant to take such steps to notify and consult affected persons as are specified by the Director in the notice. O. Reg. 507/09, s. 32 (1).

(6) A person who is registered in the Ministry's Technical Standards Registry – Air Pollution with respect to a technical standard shall notify the Director in writing within 30 days of any change to the information provided by the person on the application for registration, if the form of the application indicates that notice is required in the event of any change to that information. O. Reg. 507/09, s. 32 (1).

**39.1-39.3** REVOKED: O. Reg. 507/09, s. 32 (1).

**Revocation of registration**

**40.** (1) The Director may, by order, revoke a person's registration in the Ministry's Technical Standards Registry – Air Pollution in respect of an industry standard, facility and contaminant if,

- (a) the Director is of the opinion that discharges of the contaminant from the facility into the air may cause an adverse effect and that the adverse effect may be better prevented, eliminated or ameliorated if subsection 42 (5) or 44 (3) does not apply to the facility;
- (b) the industry standard no longer applies to the facility or contaminant;
- (c) the industry standard no longer contains any requirements that relate to any sources of contaminant in the facility;
- (d) the Director is of the opinion that there is a more appropriate industry standard that applies to the facility and the contaminant; or
- (e) after considering the matters set out in subsection (3), the Director is of the opinion that the person has demonstrated an inability or unwillingness to comply with the person's obligations in respect of,
  - (i) the facility or contaminant, or
  - (ii) any other facility or contaminant. O. Reg. 507/09, s. 32 (1).

(2) The Director may, by order, revoke a person's registration in the Ministry's Technical Standards Registry – Air Pollution in respect of an equipment standard, facility and contaminant and source of contaminant if,

- (a) the Director is of the opinion that discharges of the contaminant from the facility into the air may cause an adverse effect and that the adverse effect may be prevented, eliminated or ameliorated if subsection 43 (4) or 44 (3) does not apply to the facility;
- (b) the equipment standard no longer applies to the facility, contaminant or source of contaminant;
- (c) the Director is of the opinion that there is a more appropriate equipment standard that applies to the facility, the contaminant and the source of contaminant; or

(d) after considering the matters set out in subsection (3), the Director is of the opinion that the person has demonstrated an inability or unwillingness to comply with the person's obligations in respect of,

(i) the facility, contaminant or source of contaminant, or

(ii) any other facility, contaminant or source of contaminant. O. Reg. 507/09, s. 32 (1).

(3) The matters referred to in clauses (1) (e) and (2) (d) are:

1. Any failure by the person to comply with subsection 42 (5), 43 (4) or 44 (3).

2. Any failure by the person to comply with subsection 39 (6).

3. Any offences under the Act for which the person has been convicted.

4. Any orders issued to the person under section 7 or 157 of the Act. O. Reg. 507/09, s. 32 (1).

(4) The Director shall give a person written notice revoking the person's registration in the Ministry's Technical Standards Registry – Air Pollution in respect of a technical standard if the revocation is requested in writing by the person. O. Reg. 507/09, s. 32 (1).

#### **Availability of Technical Standards Registry – Air Pollution**

**41.** The Director shall ensure that the Ministry's Technical Standards Registry – Air Pollution is available on a website maintained by the Ministry on the Internet. O. Reg. 507/09, s. 32 (1).

#### **Industry standards**

**42.** (1) Subject to subsection (2), this Part, except for this section and sections 24, 27.1 and 38 to 41, does not apply to a person in respect of a facility and contaminant if one or more industry standards set out in the Technical Standards publication apply to the facility and the contaminant, and,

(a) the facility is part of only one class identified by a NAICS code, and the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of all of the industry standards that apply to the facility and the contaminant; or

(b) the facility is part of two or more classes that are identified by NAICS codes, industry standards apply to all of those classes and to the contaminant, and the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of all of those industry standards. O. Reg. 507/09, s. 32 (1).

(2) This Part applies for the purpose of determining whether the Director may give a person a notice under section 24 or 27.1 and for the purpose of preparing a report required by a notice under section 24 or 27.1. O. Reg. 507/09, s. 32 (1).

(3) Sections 19 and 20 do not apply to a person in respect of a facility and contaminant if,

(a) subsection (1) does not apply to the person in respect of the facility and the contaminant;

(b) one or more industry standards set out in the Technical Standards publication apply to the facility and the contaminant;

(c) the facility is part of only one class identified by a NAICS code or,

(i) the facility is part of two or more classes that are identified by NAICS codes, and

(ii) industry standards apply to all of those classes and to the contaminant;

(d) the contaminant is listed in Schedule 7;

(e) a regulation amending Schedule 2 or 3 with respect to the contaminant has been filed; and

(f) it has been less than 12 months since the latest of,

(i) the day the regulation referred to in clause (e) was filed,

(ii) the day the first industry standard that applied to the facility and the contaminant was first set out in the Technical Standards publication, and

(iii) the day this section came into force. O. Reg. 507/09, s. 32 (1).

(4) A person who uses an approved dispersion model for the purposes of this Part in respect of a facility and a contaminant is not required to consider a source of contaminant that discharges the contaminant if,

(a) subsection (1) does not apply to the person in respect of the facility and the contaminant;

(b) the source of contaminant is in a part of the facility that is a part of a class of facilities to which an industry standard applies in respect of the facility and the contaminant; and

(c) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the industry standard, facility and contaminant. O. Reg. 507/09, s. 32 (1).

(5) A person shall comply with an industry standard set out in the Technical Standards publication in respect of a facility and a contaminant if,

- (a) subsection (1) or (4) applies to the person in respect of the facility and the contaminant; and
- (b) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the industry standard, the facility and the contaminant. O. Reg. 507/09, s. 32 (1).

**Equipment standards**

**43.** (1) Subject to subsection (2), this Part, except for this section and sections 24, 27.1 and 38 to 41, does not apply to a person in respect of a facility and contaminant if,

- (a) equipment standards set out in the Technical Standards publication apply to every source of the contaminant in the facility; and
- (b) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the facility, the contaminant and every equipment standard that applies to a source of contaminant in the facility. O. Reg. 507/09, s. 32 (1).

(2) This Part applies for the purpose of determining whether the Director may give a person a notice under section 24 or 27.1 and for the purpose of preparing a report required by a notice under section 24 or 27.1. O. Reg. 507/09, s. 32 (1).

(3) A person who uses an approved dispersion model for the purposes of this Part in respect of a facility and a contaminant is not required to consider a source of contaminant that discharges the contaminant if,

- (a) subsection (1) does not apply to the person in respect of the facility and the contaminant;
- (b) an equipment standard set out in the Technical Standards publication applies to the facility, the contaminant and the source of contaminant; and
- (c) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the equipment standard, facility, contaminant and source of contaminant. O. Reg. 507/09, s. 32 (1).

(4) A person shall comply with an equipment standard set out in the Technical Standards publication in respect of a facility, contaminant and source of contaminant if,

- (a) subsection (1) or (3) applies to the person in respect of the facility, the contaminant and the source of contaminant; and
- (b) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the equipment standard, facility, contaminant and source of contaminant. O. Reg. 507/09, s. 32 (1).

**Combination of industry standards and equipment standards**

**44.** (1) Subject to subsection (2), this Part, except for this section and sections 24, 27.1 and 38 to 41, does not apply to a person in respect of a facility and contaminant if,

- (a) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of one or more industry standards, the facility and the contaminant;
- (b) there is one or more sources of contaminant in a part of the facility that is not part of a class of facilities to which any of the industry standards referred to in clause (a) apply; and
- (c) with respect to each source of contaminant to which clause (b) applies, the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of an equipment standard, the facility, the contaminant and the source of contaminant. O. Reg. 507/09, s. 32 (1).

(2) This Part applies for the purpose of determining whether the Director may give a person a notice under section 24 or 27.1 and for the purpose of preparing a report required by a notice under section 24 or 27.1. O. Reg. 507/09, s. 32 (1).

(3) A person shall comply with,

- (a) an industry standard set out in the Technical Standards publication in respect of a facility and a contaminant if,
  - (i) subsection (1) applies to the person in respect of the facility and the contaminant, and
  - (ii) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the industry standard, the facility and the contaminant; and
- (b) an equipment standard set out in the Technical Standards publication in respect of a facility, contaminant and source of contaminant if,
  - (i) subsection (1) applies to the person in respect of the facility and the contaminant, and
  - (ii) the person is registered on the Ministry's Technical Standards Registry – Air Pollution in respect of the equipment standard, facility, contaminant and source of contaminant. O. Reg. 507/09, s. 32 (1).



**PART III  
MISCELLANEOUS**

**Prohibition of certain emissions**

- 45.** No person shall cause or permit to be caused the emission of any air contaminant to such extent or degree as may,
- (a) cause discomfort to persons;
  - (b) cause loss of enjoyment of normal use of property;
  - (c) interfere with normal conduct of business; or
  - (d) cause damage to property. O. Reg. 507/09, s. 32 (1).

**Opacity**

- 46.** (1) No person shall cause or permit an emission into the air that, during a period of six consecutive minutes, obstructs the passage of light at any point by an average of more than 20 per cent. O. Reg. 507/09, s. 32 (1).
- (2) Subsection (1) does not apply to an emission from a source of combustion that uses fuel with high ash content, if,
    - (a) during the six-minute period referred to in subsection (1), the passage of light was not obstructed by an average of 40 per cent or more at any point;
    - (b) the six-minute period referred to in subsection (1) was part of a period of 30 consecutive minutes in which there were four periods of six consecutive minutes during which the person complied with subsection (1); and
    - (c) the four periods referred to in clause (b) did not overlap with each other and did not overlap with the six-minute period referred to in subsection (1). O. Reg. 507/09, s. 32 (1).
  - (3) If an environmental compliance approval prohibits a person from causing or permitting an emission into the air that obstructs the passage of light at any point by a percentage that is less than 20 per cent, that prohibition applies instead of subsection (1). O. Reg. 507/09, s. 32 (1); O. Reg. 264/11, s. 6 (1).
  - (4) Subsection (1) does not apply to a person if,
    - (a) at the time of the emission, the person was using a device or equipment for the purpose of minimizing the opacity of emissions;
    - (b) the use of the device or equipment is required or authorized by an environmental compliance approval; and
    - (c) the Director is satisfied that the device or equipment effectively minimizes the opacity of emissions. O. Reg. 507/09, s. 32 (1); O. Reg. 264/11, s. 6 (2).
  - (5) The Director may, on the request of a person, give the person a written notice requiring the person to use a device or equipment specified in the notice for the purpose of minimizing the opacity of emissions if,
    - (a) the person has provided the Director with such information about the use of the device or equipment as the Director may require; and
    - (b) the Director is satisfied that use of the device or equipment in accordance with the notice will be at least as effective as subsection (1) in minimizing the opacity of emissions. O. Reg. 507/09, s. 32 (1).
  - (6) A notice given under subsection (5) may require the person to whom it is given to comply with conditions specified in the notice by the Director. O. Reg. 507/09, s. 32 (1).
  - (7) Before the Director gives a person a notice under subsection (5) that requires compliance with conditions specified under subsection (6), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 32 (1).
  - (8) Subsection (1) does not apply to a person who complies with a notice given under subsection (5). O. Reg. 507/09, s. 32 (1).
  - (9) A person who contravenes subsection (1) shall notify a provincial officer in writing as soon as practicable after the contravention occurs of the contravention and of the source of the emission. O. Reg. 507/09, s. 32 (1).
  - (10) If a person contravenes subsection (1) more than once in a 24-hour period, the person may, instead of complying with subsection (9), notify a provincial officer in writing as soon as practicable after the end of the 24-hour period of the number of contraventions that occurred during the period and of the source of the emission. O. Reg. 507/09, s. 32 (1).
  - (11) If a person contravenes subsection (1), the Director may give the person written notice requiring the person to give notice to a provincial officer in writing and in accordance with the notice, at such regular intervals as may be specified by the Director and for such period of time as may be specified by the Director, of such information as may be specified by the Director. O. Reg. 507/09, s. 32 (1).

(12) Before the Director gives a person a notice under subsection (11), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 15 days after the draft is given. O. Reg. 507/09, s. 32 (1).

(13) Subsections (9) and (10) do not apply to a person who is required to give notice at regular intervals pursuant to a notice given by the Director under subsection (11). O. Reg. 507/09, s. 32 (1).

(14) Subsections (9) and (10) do not apply to the following contraventions of subsection (1), if the person who contravenes subsection (1) has implemented a plan to minimize the opacity of emissions during those contraventions:

1. A contravention that occurs when the operation of a source of emission is increased from an inoperative state to normal operating conditions.
2. A contravention that occurs when the operation of a source of emission is decreased from normal operating conditions to an inoperative state.
3. A contravention that occurs when the source of emission undergoes routine maintenance. O. Reg. 507/09, s. 32 (1).

(15) A person who has a plan referred to in subsection (14) shall keep the most recent copy of the plan at the facility and, on the request of the Director or a provincial officer, shall immediately provide the Director or provincial officer with a copy of the plan. O. Reg. 507/09, s. 32 (1).

(16) The Director may give a person who has a plan referred to in subsection (14) a written notice requiring the person to revise the plan in accordance with the notice if the Director is of the opinion that the plan does not effectively minimize the opacity of emissions during contraventions referred to in that subsection. O. Reg. 507/09, s. 32 (1).

(17) Before the Director gives a person a notice under subsection (16), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 32 (1).

**Obligations under another Act; failure to operate in normal manner**

**47.** (1) A person who causes or permits the emission of a contaminant from a stationary source of air pollution shall, if a contravention of section 45 or 46 may occur as a result of an obligation arising under another Act or a failure to operate the stationary source of air pollution in the normal manner,

- (a) immediately notify a provincial officer of the particulars of the obligation arising under the other Act or the failure to operate the stationary source of air pollution in the normal manner; and
- (b) as soon as practicable, furnish the provincial officer in writing with the particulars of the obligation arising under the other Act or the failure to operate the stationary source of air pollution in the normal manner. O. Reg. 507/09, s. 32 (1).

(2) A person who gives notice under subsection (1) shall notify a provincial officer in writing as soon as practicable after the obligation arising under the other Act ends or operation of the stationary source of air pollution in the normal manner resumes. O. Reg. 507/09, s. 32 (1).

(3) Section 46 does not apply to an emission from a stationary source of air pollution if,

- (a) notice is given to a provincial officer in accordance with subsection (1);
- (b) the Director is satisfied that a contravention of section 46 may occur as a result of the obligation arising under the other Act or the failure to operate the stationary source of air pollution in the normal manner;
- (c) the Director gives written authorization for the operation of the stationary source of air pollution despite section 46; and
- (d) the stationary source of air pollution is operated in accordance with any conditions specified in the authorization that the Director considers reasonable in the circumstances. O. Reg. 507/09, s. 32 (1).

(4) The Director shall not give the authorization referred to in clause (3) (c) as a result of a failure to operate the stationary source of air pollution in the normal manner unless the Director is satisfied that the failure could not reasonably have been anticipated. O. Reg. 507/09, s. 32 (1).

(5) Subsection (3) applies only until the earlier of the following dates:

1. The date the obligation arising under the other Act ends or operation of the stationary source of air pollution in the normal manner resumes.
2. A date set out in the authorization that the Director considers reasonable in the circumstances and that is not more than three months after the date the authorization is given. O. Reg. 507/09, s. 32 (1).

**Fuel or waste for fuel burning equipment, etc.**

**48.** (1) No person shall, in any fuel burning equipment or thermal treatment equipment, burn any fuel or waste or permit any fuel or waste to be burned, or subject any waste to thermal treatment or permit any waste to be subject to thermal treatment, except the fuel or waste for which the equipment was designed. O. Reg. 507/09, s. 32 (1).

(2) No person shall, in any fuel burning equipment or thermal treatment equipment, burn any fuel or waste or permit any fuel or waste to be burned, or subject any waste to thermal treatment or permit any waste to be subject to thermal treatment, at a greater rate than the rate for which the equipment was designed. O. Reg. 507/09, s. 32 (1).

**Construction and sandblasting emissions, etc.**

**49.** Except for heat, sound, vibration or radiation, no person shall,

(a) construct, alter, demolish, drill, blast, crush or screen anything or cause or permit the construction, alteration, demolition, drilling, blasting, crushing or screening of anything so that a contaminant is carried beyond the limits of the property on which the construction, alteration, demolition, drilling, blasting, crushing or screening is being carried out; or

(b) sandblast or permit the sandblasting of anything so that a contaminant is emitted into the air,

to an extent or degree greater than that which would result if every step necessary to control the emission of the contaminant were implemented. O. Reg. 507/09, s. 32 (1).

**Incinerators**

**50.** (1) In this section,

“apartment incinerator” means an incinerator that is located in or on the site of a structure containing more than one dwelling unit and used to burn domestic waste from more than one dwelling unit. O. Reg. 507/09, s. 32 (1).

(2) No person shall operate or permit the operation of,

(a) an apartment incinerator, domestic incinerator, multiple chamber incinerator or starved air incinerator burning domestic waste;

(b) a multiple chamber incinerator or starved air incinerator burning solid industrial waste;

(c) an incinerator burning liquid industrial waste, industrial slurries or sludges, sewage sludges or slurries, gaseous waste, organic vapour or fume;

(d) a municipal incinerator burning solid waste or sludges; or

(e) other thermal treatment equipment that processes waste,

that causes or is likely to cause a concentration in the combustion gases emitted into the natural environment, of organic matter having a carbon content, expressed as equivalent methane, being an average of 10 measurements taken at approximately one minute intervals, greater than 100 parts per million by volume, measured on an undiluted basis. O. Reg. 507/09, s. 32 (1).

(3) Subsection (2) does not apply to prohibit the operation of a catalytic incinerator. O. Reg. 507/09, s. 32 (1).

(4) No person shall operate or permit the operation of an apartment incinerator without an environmental compliance approval issued in respect of an activity mentioned in subsection 9 (1) of the Act. O. Reg. 507/09, s. 32 (1); O. Reg. 264/11, s. 7.

**Air Pollution Index**

**51.** (1) The Ministry may prepare an index to be known as the “Air Pollution Index” for any area in Ontario, from time to time. O. Reg. 507/09, s. 32 (1).

(2) Despite section 5, the air pollution index may take into consideration discharges of contaminants from motor vehicles. O. Reg. 507/09, s. 32 (1).

(3) Where the air pollution index for an area indicates increasing air pollution that may lead to an air pollution episode, the Minister, in consultation with the Minister of Health and Long-Term Care, may order curtailment of the operation of sources of air pollution in the manner described in subsections (4) and (5). O. Reg. 507/09, s. 32 (1).

(4) Where the air pollution index reaches the number 32, designated as Air Advisory Level, and meteorological forecasts indicate a six-hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Minister may require owners or operators of sources of air pollution to make preparation for the curtailment of such operations as are specified by the Minister. O. Reg. 507/09, s. 32 (1).

(5) Where the air pollution index reaches the number 50, designated as First Air Pollution Alert, and meteorological forecasts indicate a six-hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Minister may require owners or operators of sources of air pollution to curtail such operations as are specified by the Minister. O. Reg. 507/09, s. 32 (1).

**Amendment or revocation of notices**

52. (1) Subject to subsections 7 (10) and (11), the Director may, by written notice, amend or revoke any notice given by the Director under this Regulation. O. Reg. 507/09, s. 32 (1).

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given. O. Reg. 507/09, s. 32 (1).

(3) This section does not apply to a notice given under subsection 37 (1). O. Reg. 507/09, s. 32 (1).

**Compliance with notice**

53. A person who is required to do something by a notice given by the Director under this Regulation shall comply with the requirement. O. Reg. 507/09, s. 32 (1).

**Form of submissions**

54. A person who is required to submit anything to the Director or a provincial officer under this Regulation shall submit it in a form approved by the Director, including, if required by the Director, an electronic format specified by the Director. O. Reg. 507/09, s. 32 (1).

SCHEDULE 1 REVOKED: O. Reg. 507/09, s. 33.

**SCHEDULE 2  
UPDATED STANDARDS WITH HALF HOUR AVERAGING PERIODS**

(See section 19)

Item	CAS No.	Contaminant	Half Hour Standard (µg/m <sup>3</sup> , unless otherwise indicated)
1.	75-07-0	Acetaldehyde	500
2.	64-19-7	Acetic Acid	2,500
3.	67-64-1	Acetone	35,640
4.	75-05-8	Acetonitrile	210
5.	74-86-2	Acetylene	56,000
6.	107-02-8	Acrolein	1.2
7.	79-06-1	Acrylamide	45
8.	107-13-1	Acrylonitrile	1.8
9.	7664-41-7	Ammonia	300
10.	7440-36-0	Antimony	75
11.	7784-42-1	Arsine	10
<b>Note: On July 1, 2016, Schedule 2 is amended by adding the following items:</b>			
11.1	71-43-2	Benzene	7
11.2	50-32-8	Benzo(a)pyrene	0.00015
<b>See: O. Reg. 282/11, ss. 15 (2), 20 (1).</b>			
12.	7440-41-7	Beryllium and compounds	0.03
13.	7440-42-8	Boron	100
14.	10294-33-4	Boron Tribromide	100
15.	10294-34-5	Boron Trichloride	100
16.	7637-07-2	Boron Trifluoride	5
17.	7726-95-6	Bromine	70
<b>Note: On July 1, 2016, Schedule 2 is amended by adding the following item:</b>			
17.0.1	106-99-0	Butadiene, 1,3-	30
<b>See: O. Reg. 282/11, ss. 15 (2), 20 (1).</b>			
17.1	71-36-3	Butanol, n-	2,760
18.	7440-43-9	Cadmium and Cadmium Compounds	0.075
19.	1305-62-0	Calcium Hydroxide	27
20.	1305-78-8	Calcium Oxide	20
21.	1333-86-4	Carbon Black	25
22.	75-15-0	Carbon Disulphide	330
23.	630-08-0	Carbon Monoxide	6,000
24.	56-23-5	Carbon Tetrachloride	7.2
25.	7782-50-5	Chlorine	30
26.	10049-04-4	Chlorine Dioxide	6

26.1	75-00-3	Chloroethane	16,800
27.	67-66-3	Chloroform	3
<b>Note: On July 1, 2016, Schedule 2 is amended by adding the following items:</b>			
27.1	7440-47-3	Chromium Compounds (Hexavalent)	0.002
27.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)	1.5
<b>See: O. Reg. 282/11, ss. 15 (4), 20 (1).</b>			
28.	7440-50-8	Copper	100
29.	1319-77-3	Cresols	230
30.	110-82-7	Cyclohexane	18,300
31.	17702-41-9	Decaborane	50
32.	117-81-7	Di(2-ethylhexyl) Phthalate	100
33.	19287-45-7	Diborane	20
34.	131-15-7	Dicapryl Phthalate	100
35.	106-46-7	Dichlorobenzene, 1,4-	285
36.	75-34-3	Dichloroethane, 1,1-	495
37.	REVOKED: O. Reg. 516/07, s. 29 (6).		
38.	117-84-0	Di-n-Octyl Phthalate	100
<b>Note: On July 1, 2016, Schedule 2 is amended by adding the following item:</b>			
38.1	-	Dioxins, Furans and Dioxin-like PCBs	0.0000003
<b>See: O. Reg. 282/11, ss. 15 (4), 20 (1).</b>			
39.	-	Dustfall	8,000 µg/m <sup>2</sup>
40.	141-78-6	Ethyl Acetate	19,000
41.	140-88-5	Ethyl Acrylate	4.5
42.	100-41-4	Ethyl Benzene	1,400
43.	60-29-7	Ethyl Ether	700
44.	107-06-2	Ethylene Dichloride	6
44.1	75-21-8	Ethylene Oxide	0.6
45.	1309-37-1	Ferric Oxide	75
46.	7664-39-3	Fluorides (as HF) – Gaseous (Growing Season)	4.3
47.	7664-39-3	Fluorides (as HF) – Total (Growing Season)	8.6
48.	7664-39-3	Fluorides (as HF) – Total (Non-Growing Season)	17.2
49.	50-00-0	Formaldehyde	65
50.	64-18-6	Formic Acid	1,500
51.	98-01-1	Furfural	1,000
52.	98-00-0	Furfuryl Alcohol	3,000
53.	4035-89-6	HDI Biuret (HDI-BT)	9
54.	3779-63-3	HDI Isocyanurate (HDI-IC)	9
55.	28182-81-2	HDI Polyisocyanate (HDI-BT & HDI-IC)	9
55.1	142-82-5	Heptane, n-	33,000
56.	822-06-0	Hexamethylene Diisocyanate (HDI) Monomer	0.1
56.1	110-54-3	Hexane, n- (part of a mixture)	7,500
56.2	110-54-3	Hexane, n- (n-Hexane and Hexane isomers only)	22,500
57.	7647-01-0	Hydrogen Chloride	60
58.	74-90-8	Hydrogen Cyanide	24
59.	7783-06-4	Hydrogen Sulphide	10
60.	15438-31-0	Iron (metallic)	10
60.1	78-83-1	Isobutanol	13,800
61.	67-63-0	Isopropanol (Isopropyl Alcohol)	22,000
62.	98-82-8	Isopropyl Benzene	100
63.	7439-92-1	Lead and Lead Compounds	1.5
64.	7439-93-2	Lithium	60
65.	7580-67-8	Lithium Hydrides	7.5
66.	1309-48-4	Magnesium Oxide	100
<b>Note: On July 1, 2016, Schedule 2 is amended by adding the following item:</b>			
66.1	7439-96-5	Manganese and Manganese Compounds	1.2
<b>See: O. Reg. 282/11, ss. 15 (6), 20 (1).</b>			
67.	-	Mercaptans	10
68.	7439-97-6	Mercury (Hg)	5
69.	7439-97-6	Mercury (as Hg) – alkyl compounds	1.5
70.	101-68-8	Methane Diphenyl Diisocyanate (MDI Monomer)	2
71.	67-56-1	Methanol (Methyl Alcohol)	12,000

72.	96-33-3	Methyl Acrylate	4
72.1	74-87-3	Methyl Chloride	960
73.	71-55-6	Methyl Chloroform (1,1,1-Trichloroethane)	350,000
74.	78-93-3	Methyl Ethyl Ketone (2-Butanone)	3,000
75.	624-83-9	Methyl Isocyanate	3
76.	108-10-1	Methyl Isobutyl Ketone	1,200
77.	80-62-6	Methyl Methacrylate	860
78.	75-09-2	Methylene Chloride	660
79.	-	Milk Powder	20
80.	-	Mineral Spirits	3,000
81.	74-89-5	Monomethyl Amine	25
82.	REVOKED: O. Reg. 516/07, s. 29 (15).		
83.	REVOKED: O. Reg. 516/07, s. 29 (15).		
84.	REVOKED: O. Reg. 516/07, s. 29 (15).		
85.	7440-02-0	Nickel	5
<b>Note: On July 1, 2016, item 85 is revoked and the following substituted:</b>			
85.	7440-02-0	Nickel and Nickel Compounds	0.6
<b>See: O. Reg. 282/11, ss. 15 (7), 20 (1).</b>			
86.	13463-39-3	Nickel Carbonyl	1.5
87.	7697-37-2	Nitric Acid	100
88.	139-13-9	Nitrilotriacetic Acid	100
89.	10102-44-0	Nitrogen Oxides	500
90.	10028-15-6	Ozone	200
91.	19624-22-7	Pentaborane	3
92.	127-18-4	Perchloroethylene	1,080
93.	108-95-2	Phenol	100
94.	75-44-5	Phosgene	130
95.	7664-38-2	Phosphoric Acid	21
96.	85-44-9	Phthalic Anhydride	100
97.	9016-87-9	Polymeric Methane Diphenyl Diisocyanate (PMDI)	2
97.1	115-07-1	Propylene	12,000
98.	78-87-5	Propylene Dichloride	2,400
99.	75-56-9	Propylene Oxide	4.5
100.	7440-22-4	Silver	3
101.	100-42-5	Styrene	400
102.	7446-09-5	Sulphur Dioxide	830
103.	7664-93-9	Sulphuric Acid	15
104.	-	Suspended Particulate Matter (< 44 µm Diameter)	100
105.	13494-80-9	Tellurium (except hydrogen telluride)	30
106.	109-99-9	Tetrahydrofuran	93,000
107.	7440-31-5	Tin	30
108.	7440-32-6	Titanium	100
109.	108-88-3	Toluene	2,000
110.	584-84-9	Toluene Di-isocyanate, 2,4-	0.6
111.	26471-62-5	Toluene Di-isocyanate, 2,4- and 2,6- (mixed isomers)	0.6
111.1	-	Total Reduced Sulphur (TRS) Compounds (facilities that are part of the class identified by NAICS code 3221 (Pulp, Paper and Paperboard Mills))	10
111.2	-	Total Reduced Sulphur (TRS) Compounds (other facilities)	10
112.	79-01-6	Trichloroethylene (TCE)	36
113.	76-13-1	Trifluorotrchloroethane	2,400,000
113.1	526-73-8	Trimethylbenzene, 1,2,3- (individual isomer or Trimethylbenzene mixture)	660
113.2	95-63-6	Trimethylbenzene, 1,2,4- (individual isomer or Trimethylbenzene mixture)	660
113.3	108-67-8	Trimethylbenzene, 1,3,5- (individual isomer or Trimethylbenzene mixture)	660
<b>Note: On July 1, 2016, Schedule 2 is amended by adding the following item:</b>			
113.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter	0.45
<b>See: O. Reg. 282/11, ss. 15 (8), 20 (1).</b>			
114.	7440-62-2	Vanadium	5
115.	75-01-4	Vinyl Chloride	3
116.	75-35-4	Vinylidene Chloride	30
117.	1330-20-7	Xylenes	2,200

118.	7440-66-6	Zinc		100
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O. Reg. 419/05, Sched. 2; O. Reg. 605/05, s. 14; O. Reg. 516/07, s. 29; O. Reg. 507/09, s. 34; O. Reg. 282/11, s. 15 (3, 5).

SCHEDULE 3  
STANDARDS WITH VARIABLE AVERAGING PERIODS

(See section 20)

Item	CAS No.	Contaminant	One Hour Standard ( $\mu\text{g}/\text{m}^3$ )	24 Hour Standard ( $\mu\text{g}/\text{m}^3$ )	Other Time Period Standard ( $\mu\text{g}/\text{m}^3$ , unless otherwise indicated)
1.	75-07-0	Acetaldehyde	-	500	500 (half hour)
2.	67-64-1	Acetone	-	11,880	-
3.	75-05-8	Acetonitrile	-	70	-
4.	107-02-8	Acrolein	4.5	0.4	-
5.	79-06-1	Acrylamide	-	15	-
6.	107-13-1	Acrylonitrile	-	0.6	-
7.	7664-41-7	Ammonia	-	100	-
8.	7440-36-0	Antimony	-	25	-
9.	7784-42-1	Arsine	-	5	10 (half hour)
<b>Note: On July 1, 2016, Schedule 3 is amended by adding the following items:</b>					
9.1	71-43-2	Benzene	-	-	0.45; annual
9.2	50-32-8	Benzo(a)pyrene	-	-	0.00001; annual
<b>See: O. Reg. 282/11, ss. 16 (2), 20 (1).</b>					
10.	7440-41-7	Beryllium and compounds	-	0.01	-
11.	7440-42-8	Boron	-	120	-
12.	10294-33-4	Boron Tribromide	-	35	-
13.	10294-34-5	Boron Trichloride	-	35	-
14.	7637-07-2	Boron Trifluoride	-	2	-
15.	7726-95-6	Bromine	-	20	-
<b>Note: On July 1, 2016, Schedule 3 is amended by adding the following item:</b>					
15.0.1	106-99-0	Butadiene, 1,3-	-	-	2; annual
<b>See: O. Reg. 282/11, ss. 16 (2), 20 (1).</b>					
15.1	71-36-3	Butanol, n-	-	920	-
16.	7440-43-9	Cadmium and Cadmium Compounds	-	0.025	-
17.	1305-62-0	Calcium Hydroxide	-	13.5	-
18.	1305-78-8	Calcium Oxide	-	10	-
19.	1333-86-4	Carbon Black	-	10	-
20.	630-08-0	Carbon Monoxide	-	-	6000 (half hour)
21.	REVOKED: O. Reg. 507/09, s. 35 (2).				
22.	56-23-5	Carbon Tetrachloride	-	2.4	-
23.	7782-50-5	Chlorine	-	10	-
24.	10049-04-4	Chlorine Dioxide	-	2	-
24.1	75-00-3	Chloroethane	-	5,600	-
25.	67-66-3	Chloroform	-	1	-
<b>Note: On July 1, 2016, Schedule 3 is amended by adding the following items:</b>					
25.1	7440-47-3	Chromium Compounds (Hexavalent)	-	-	0.00014; annual
25.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)	-	0.5	-
<b>See: O. Reg. 282/11, ss. 16 (4), 20 (1).</b>					
26.	7440-50-8	Copper	-	50	-
27.	1319-77-3	Cresols	-	75	-
28.	110-82-7	Cyclohexane	-	6,100	-
29.	17702-41-9	Decaborane	-	25	-
30.	117-81-7	Di(2-ethylhexyl) Phthalate	-	50	-
31.	19287-45-7	Diborane	-	10	-
32.	131-15-7	Dicapryl Phthalate	-	120	-
33.	106-46-7	Dichlorobenzene, 1,4-	-	95	-
33.1	75-34-3	Dichloroethane, 1,1-	-	165	-
34.	117-84-0	Di-n-Octyl Phthalate	-	120	-

<b>Note: On July 1, 2016, Schedule 3 is amended by adding the following item:</b>					
34.1	-	Dioxins, Furans and Dioxin-like PCBs	-	0.0000001	-
<b>See: O. Reg. 282/11, ss. 16 (4), 20 (1).</b>					
35.	-	Dustfall	-	-	7 g/m <sup>2</sup> ; 30 day
36.	100-41-4	Ethyl Benzene	-	1,000	-
37.	60-29-7	Ethyl Ether	-	8,000	-
38.	107-06-2	Ethylene Dichloride	-	2	-
38.1	75-21-8	Ethylene Oxide	-	0.2	-
39.	1309-37-1	Ferric Oxide	-	25	-
40.	7664-39-3	Fluorides (as HF) – Gaseous (Growing Season)	-	0.86	0.34; 30 day
41.	7664-39-3	Fluorides (as HF) – Total (Growing Season)	-	1.72	0.69; 30 day
42.	7664-39-3	Fluorides (as HF) – Total (Non-Growing Season)	-	3.44	1.38; 30 day
43.	50-00-0	Formaldehyde	-	65	-
44.	64-18-6	Formic Acid	-	500	-
45.	98-00-0	Furfuryl Alcohol	-	1,000	-
46.	4035-89-6	HDI Biuret (HDI-BT)	-	3	-
47.	3779-63-3	HDI Isocyanurate (HDI-IC)	-	3	-
48.	28182-81-2	HDI Polyisocyanate (HDI-BT & HDI-IC)	-	3	-
48.1	142-82-5	Heptane, n-	-	11,000	-
49.	822-06-0	Hexamethylene Diisocyanate (HDI) Monomer	-	0.03	-
49.1	110-54-3	Hexane, n- (part of a mixture)	-	2,500	-
49.2	110-54-3	Hexane, n- (n-Hexane and Hexane isomers only)	-	7,500	-
50.	7647-01-0	Hydrogen Chloride	-	20	-
51.	74-90-8	Hydrogen Cyanide	-	8	-
51.1	7783-06-4	Hydrogen Sulphide	-	7	13; 10 minute
52.	15438-31-0	Iron (metallic)	-	4	-
52.1	78-83-1	Isobutanol	-	4,600	-
53.	67-63-0	Isopropanol (Isopropyl Alcohol)	-	7,300	-
54.	98-82-8	Isopropyl Benzene	-	400	-
55.	7439-92-1	Lead and Lead Compounds	-	0.5	0.2; 30 day
56.	7439-93-2	Lithium	-	20	-
57.	7580-67-8	Lithium Hydrides	-	2.5	-
58.	1309-48-4	Magnesium Oxide	-	120	-
<b>Note: On July 1, 2016, Schedule 3 is amended by adding the following item:</b>					
58.0.1	7439-96-5	Manganese and Manganese Compounds	-	0.4	-
<b>See: O. Reg. 282/11, ss. 16 (6), 20 (1).</b>					
58.1	-	Mercaptans	-	-	13; 10 minute
59.	7439-97-6	Mercury (Hg)	-	2	-
60.	7439-97-6	Mercury (as Hg) – alkyl compounds	-	0.5	-
61.	101-68-8	Methane Diphenyl Diisocyanate (MDI Monomer)	-	0.7	-
62.	67-56-1	Methanol (Methyl Alcohol)	-	4,000	-
62.1	74-87-3	Methyl Chloride	-	320	-
63.	71-55-6	Methyl Chloroform (1,1,1-Trichloroethane)	-	115,000	-
64.	78-93-3	Methyl Ethyl Ketone (2-Butanone)	-	1,000	-
65.	624-83-9	Methyl Isocyanate	-	1	-
66.	75-09-2	Methylene Chloride	-	220	-
67.	-	Milk Powder	-	20	-
68.	-	Mineral Spirits	-	2,600	-
69.	REVOKED: O. Reg. 516/07, s. 30 (10).				
70.	REVOKED: O. Reg. 516/07, s. 30 (10).				
71.	REVOKED: O. Reg. 516/07, s. 30 (10).				
72.	7440-02-0	Nickel	-	2	-
<b>Note: On July 1, 2016, item 72 is revoked and the following substituted:</b>					
72.	7440-02-0	Nickel and Nickel Compounds	-	-	0.04; annual
<b>See: O. Reg. 282/11, ss. 16 (7), 20 (1).</b>					
73.	13463-39-3	Nickel Carbonyl	-	0.5	-
74.	7697-37-2	Nitric Acid	-	35	-
75.	139-13-9	Nitrilotriacetic Acid	-	120	-
76.	10102-44-0	Nitrogen Oxides	400	200	-
77.	10028-15-6	Ozone	165	-	-
78.	19624-22-7	Pentaborane	-	1	-



79.	127-18-4	Perchloroethylene	-	360	-
80.	108-95-2	Phenol	-	30	-
81.	75-44-5	Phosgene	-	45	-
82.	7664-38-2	Phosphoric Acid	-	7	-
83.	85-44-9	Phthalic Anhydride	-	120	-
84.	9016-87-9	Polymeric Methane Diphenyl Diisocyanate (PMDI)	-	0.7	-
84.1	115-07-1	Propylene	-	4,000	-
85.	75-56-9	Propylene Oxide	-	1.5	-
86.	7440-22-4	Silver	-	1	-
87.	100-42-5	Styrene	-	400	-
88.	7446-09-5	Sulphur Dioxide	690	275	-
89.	7664-93-9	Sulphuric Acid	-	5	-
90.	-	Suspended Particulate Matter (< 44 µm Diameter)	-	120	-
91.	13494-80-9	Tellurium (except hydrogen telluride)	-	10	-
92.	7440-31-5	Tin	-	10	-
93.	7440-32-6	Titanium	-	120	-
94.	584-84-9	Toluene Di-isocyanate, 2,4-	-	0.2	-
95.	26471-62-5	Toluene Di-isocyanate, 2,4- and 2,6- (mixed isomers)	-	0.2	-
95.1	-	Total Reduced Sulphur (TRS) Compounds (facilities that are part of the class identified by NAICS code 3221 (Pulp, Paper and Paperboard Mills))	-	14	13; 10 minute
95.2	-	Total Reduced Sulphur (TRS) Compounds (other facilities)	-	7	13; 10 minute
96.	79-01-6	Trichloroethylene (TCE)	-	12	-
97.	76-13-1	Trifluorotrichloroethane	-	800,000	-
97.1	526-73-8	Trimethylbenzene, 1,2,3- (individual isomer or Trimethylbenzene mixture)	-	220	-
97.2	95-63-6	Trimethylbenzene, 1,2,4- (individual isomer or Trimethylbenzene mixture)	-	220	-
97.3	108-67-8	Trimethylbenzene, 1,3,5- (individual isomer or Trimethylbenzene mixture)	-	220	-
<b>Note: On July 1, 2016, Schedule 3 is amended by adding the following item:</b>					
97.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter	-	-	0.03; annual
<b>See: O. Reg. 282/11, ss. 16 (8), 20 (1).</b>					
98.	7440-62-2	Vanadium	-	2	-
99.	75-01-4	Vinyl Chloride	-	1	-
100.	75-35-4	Vinylidene Chloride	-	10	-
101.	1330-20-7	Xylenes	-	730	-
102.	7440-66-6	Zinc	-	120	-

O. Reg. 419/05, Sched. 3; O. Reg. 605/05, s. 15; O. Reg. 516/07, s. 30; O. Reg. 507/09, s. 35; O. Reg. 282/11, s. 16 (3, 5).

**SCHEDULE 4  
TARGET SECTORS FOR 2010**

Item	NAICS Code	North American Industry Classification System Description
1.	2122	Metal Ore Mining
2.	221112	Fossil-Fuel Electric Power Generation
3.	324110	Petroleum Refineries
4.	3251	Basic Chemical Manufacturing
5.	3252	Resin, Synthetic Rubber, and Artificial and Synthetic Fibres and Filaments Manufacturing
6.	3311	Iron and Steel Mills and Ferro-Alloy Manufacturing
7.	331410	Non-Ferrous Metal (except Aluminum) Smelting and Refining
8.	REVOKED: O. Reg. 516/07, s. 31.	

O. Reg. 419/05, Sched. 4; O. Reg. 516/07, s. 31.

**SCHEDULE 5  
TARGET SECTORS FOR 2013**

Item	NAICS Code	North American Industry Classification System Description
1.	3221	Pulp, Paper and Paperboard Mills
2.	324190	Other Petroleum and Coal Products Manufacturing
3.	325	Chemical Manufacturing
4.	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing

5.	3279	Other Non-Metallic Mineral Product Manufacturing
6.	331	Primary Metal Manufacturing
7.	332810	Coating, Engraving, Heat Treating and Allied Activities <sup>MEX</sup>
7.1	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing <sup>MEX</sup>
8.	336	Transportation Equipment Manufacturing
9.	5622	Waste Treatment and Disposal

O. Reg. 419/05, Sched. 5; O. Reg. 507/09, s. 36.

SCHEDULE 6  
UPPER RISK THRESHOLDS

Item	CAS No.	Contaminant	Half Hour Upper Risk Threshold ( $\mu\text{g}/\text{m}^3$ )	Other Time Period Upper Risk Threshold ( $\mu\text{g}/\text{m}^3$ )
1.	75-07-0	Acetaldehyde	5,000	5,000 (24 hour)
2.	67-64-1	Acetone	118,800	118,800 (24 hour)
3.	75-05-8	Acetonitrile	2,100	700 (24 hour)
4.	107-02-8	Acrolein	12	4 (24 hour)
5.	107-13-1	Acrylonitrile	180	60 (24 hour)
6.	7664-41-7	Ammonia	3,600	1,000 (24 hour)
6.0.1	71-43-2	Benzene	300	100 (24 hour)
6.0.2	50-32-8	Benzo(a)pyrene	0.015	0.005 (24 hour)
6.0.3	106-99-0	Butadiene, 1,3-	900	300 (24 hour)
6.1	71-36-3	Butanol, n-	18,000	6,000 (24 hour)
6.2	7440-43-9	Cadmium and Cadmium Compounds	0.75	0.25 (24 hour)
7.	56-23-5	Carbon Tetrachloride	72	24 (24 hour)
8.	7782-50-5	Chlorine	300	100 (24 hour)
8.1	10049-04-4	Chlorine Dioxide	60	20 (24 hour)
8.2	75-00-3	Chloroethane	75,000	25,000 (24 hour)
9.	67-66-3	Chloroform	300	100 (24 hour)
9.1	7440-47-3	Chromium Compounds (Hexavalent)	0.21	0.07 (24 hour)
9.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)	15	5 (24 hour)
10.	110-82-7	Cyclohexane	183,000	61,000 (24 hour)
11.	117-81-7	Di(2-ethylhexyl) Phthalate	1,500	500 (24 hour)
12.	106-46-7	Dichlorobenzene, 1,4-	2,850	950 (24 hour)
12.1	75-34-3	Dichloroethane, 1,1-	4,950	1,650 (24 hour)
12.2	-	Dioxins, Furans and Dioxin-like PCBs	0.000003	0.000001 (24 hour)
13.	100-41-4	Ethyl Benzene	14,000	10,000 (24 hour)
14.	60-29-7	Ethyl Ether	7,000	80,000 (24 hour)
15.	107-06-2	Ethylene Dichloride	600	200 (24 hour)
15.1	75-21-8	Ethylene Oxide	60	20 (24 hour)
16.	4035-89-6	HDI Biuret (HDI-BT)	30	30 (24 hour)
17.	3779-63-3	HDI Isocyanurate (HDI-IC)	30	30 (24 hour)
18.	28182-81-2	HDI Polyisocyanate (HDI-BT & HDI-IC)	30	30 (24 hour)
19.	822-06-0	Hexamethylene Diisocyanate (HDI) Monomer	1	0.3 (24 hour)
19.1	110-54-3	Hexane, n- (part of a mixture)	25,000	25,000 (24 hour)
19.2	110-54-3	Hexane, n- (n-Hexane and Hexane isomers only)	25,000	25,000 (24 hour)
20.	7647-01-0	Hydrogen Chloride	600	200 (24 hour)
21.	74-90-8	Hydrogen Cyanide	240	80 (24 hour)
21.1	7783-06-4	Hydrogen Sulphide	210	70 (24 hour)
21.2	78-83-1	Isobutanol	48,000	16,000 (24 hour)
22.	67-63-0	Isopropanol (Isopropyl Alcohol)	220,000	73,000 (24 hour)
22.1	7439-92-1	Lead and Lead Compounds	6	2 (24 hour)
22.1.1	7439-96-5	Manganese and Manganese Compounds	12	4 (24 hour)
23.	101-68-8	Methane Diphenyl Diisocyanate (MDI Monomer)	7	7 (24 hour)
23.1	74-87-3	Methyl Chloride	9,600	3,200 (24 hour)
24.	78-93-3	Methyl Ethyl Ketone (2-Butanone)	30,000	10,000 (24 hour)
25.	624-83-9	Methyl Isocyanate	10	10 (24 hour)
26.	75-09-2	Methylene Chloride	22,000	22,000 (24 hour)
27.	-	Mineral Spirits	30,000	26,000 (24 hour)
28.	7440-02-0	Nickel and Nickel Compounds	6	2 (24 hour)
29.	REVOKED: O. Reg. 516/07, s. 32 (2).			
30.	127-18-4	Perchloroethylene	10,800	3,600 (24 hour)

31.	108-95-2	Phenol	900	300 (24 hour)
31.1	7664-38-2	Phosphoric Acid	210	70 (24 hour)
32.	9016-87-9	Polymeric Methane Diphenyl Diisocyanate (PMDI)	7	7 (24 hour)
32.1	115-07-1	Propylene	120,000	40,000 (24 hour)
33.	75-56-9	Propylene Oxide	450	150 (24 hour)
33.1	7664-93-9	Sulphuric Acid	30	15 (24 hour)
34.	584-84-9	Toluene Di-isocyanate, 2,4-	2	2 (24 hour)
35.	26471-62-5	Toluene Di-isocyanate, 2,4- and 2,6- (mixed isomers)	2	2 (24 hour)
35.1	-	Total Reduced Sulphur (TRS) Compounds (facilities that are part of the class identified by NAICS code 3221 (Pulp, Paper and Paperboard Mills))	210	70 (24 hour)
35.2	-	Total Reduced Sulphur (TRS) Compounds (other facilities)	210	70 (24 hour)
36.	79-01-6	Trichloroethylene (TCE)	3,600	1,200 (24 hour)
36.1	526-73-8	Trimethylbenzene, 1,2,3- (individual isomer or Trimethylbenzene mixture)	6,600	2,200 (24 hour)
36.2	95-63-6	Trimethylbenzene, 1,2,4- (individual isomer or Trimethylbenzene mixture)	6,600	2,200 (24 hour)
36.3	108-67-8	Trimethylbenzene, 1,3,5- (individual isomer or Trimethylbenzene mixture)	6,600	2,200 (24 hour)
36.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter	4.5	1.5 (24 hour)
37.	75-01-4	Vinyl Chloride	300	100 (24 hour)
38.	1330-20-7	Xylenes	22,000	7,300 (24 hour)

O. Reg. 419/05, Sched. 6; O. Reg. 605/05, s. 16; O. Reg. 516/07, s. 32; O. Reg. 507/09, s. 37; O. Reg. 282/11, s. 17.

SCHEDULE 7  
CONTAMINANTS WITH UPDATED STANDARDS

Item	CAS No.	Contaminant
1.	67-64-1	Acetone
2.	75-05-8	Acetonitrile
3.	107-02-8	Acrolein
4.	107-13-1	Acrylonitrile
5.	7664-41-7	Ammonia
5.0.1	71-43-2	Benzene
5.0.2	50-32-8	Benzo(a)pyrene
5.0.3	106-99-0	Butadiene, 1,3-
5.1	71-36-3	Butanol, n-
5.2	7440-43-9	Cadmium and Cadmium Compounds
6.	7782-50-5	Chlorine
6.1	10049-04-4	Chlorine Dioxide
6.2	75-00-3	Chloroethane
7.	67-66-3	Chloroform
7.1	7440-47-3	Chromium Compounds (Hexavalent)
7.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)
8.	110-82-7	Cyclohexane
8.1	75-34-3	Dichloroethane, 1,1-
8.2	-	Dioxins, Furans and Dioxin-like PCBs
9.	100-41-4	Ethyl Benzene
10.	60-29-7	Ethyl Ether
10.1	75-21-8	Ethylene Oxide
11.	4035-89-6	HDI Biuret (HDI-BT)
12.	3779-63-3	HDI Isocyanurate (HDI-IC)
13.	28182-81-2	HDI Polyisocyanate (HDI-BT & HDI-IC)
14.	822-06-0	Hexamethylene Diisocyanate (HDI) Monomer
14.1	110-54-3	Hexane, n- (part of a mixture)
14.2	110-54-3	Hexane, n- (n-Hexane and Hexane isomers only)
15.	7647-01-0	Hydrogen Chloride
16.	74-90-8	Hydrogen Cyanide
16.1	7783-06-4	Hydrogen Sulphide
16.2	78-83-1	Isobutanol
17.	67-63-0	Isopropanol (Isopropyl Alcohol)
17.1	7439-92-1	Lead and Lead Compounds
17.1.1	7439-96-5	Manganese and Manganese Compounds

17.2	-	Mercaptans
18.	101-68-8	Methane Diphenyl Diisocyanate (MDI Monomer)
18.1	74-87-3	Methyl Chloride
19.	78-93-3	Methyl Ethyl Ketone (2-Butanone)
20.	624-83-9	Methyl Isocyanate
21.	75-09-2	Methylene Chloride
22.	-	Mineral Spirits
23.	7440-02-0	Nickel and Nickel Compounds
24.	REVOKED: O. Reg. 516/07, s. 33 (2).	
25.	127-18-4	Perchloroethylene
26.	108-95-2	Phenol
26.1	7664-38-2	Phosphoric Acid
27.	9016-87-9	Polymeric Methane Diphenyl Diisocyanate (PMDI)
27.1	115-07-1	Propylene
28.	75-56-9	Propylene Oxide
28.1	7664-93-9	Sulphuric Acid
29.	584-84-9	Toluene Di-isocyanate, 2,4-
30.	26471-62-5	Toluene Di-isocyanate, 2,4- and 2,6- (mixed isomers)
30.1	-	Total Reduced Sulphur (TRS) Compounds
31.	79-01-6	Trichloroethylene (TCE)
31.1	526-73-8	Trimethylbenzene, 1,2,3- (individual isomer or Trimethylbenzene mixture)
31.2	95-63-6	Trimethylbenzene, 1,2,4- (individual isomer or Trimethylbenzene mixture)
31.3	108-67-8	Trimethylbenzene, 1,3,5- (individual isomer or Trimethylbenzene mixture)
31.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter
32.	1330-20-7	Xylenes

O. Reg. 419/05, Sched. 7; O. Reg. 605/05, s. 17; O. Reg. 516/07, s. 33; O. Reg. 282/11, s. 18.

SCHEDULE 8  
DIOXINS, FURANS AND DIOXIN-LIKE PCBS

Item	CAS No.	Contaminant	Toxic Equivalency Factor
1.	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1
2.	40321-76-4	1,2,3,7,8-Pentachlorodibenzo-p-dioxin [1,2,3,7,8-PeCDD]	1
3.	39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin [1,2,3,4,7,8-HxCDD]	0.1
4.	57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin [1,2,3,6,7,8-HxCDD]	0.1
5.	19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin [1,2,3,7,8,9-HxCDD]	0.1
6.	35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin [1,2,3,4,6,7,8-HpCDD]	0.01
7.	3268-87-9	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin [1,2,3,4,6,7,8,9-OCDD]	0.0003
8.	51207-31-9	2,3,7,8-Tetrachlorodibenzofuran [2,3,7,8-TCDF]	0.1
9.	57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran [1,2,3,7,8-PeCDF]	0.03
10.	57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran [2,3,4,7,8-PeCDF]	0.3
11.	70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran [1,2,3,4,7,8-HxCDF]	0.1
12.	57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran [1,2,3,6,7,8-HxCDF]	0.1
13.	72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran [1,2,3,7,8,9-HxCDF]	0.1
14.	60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran [2,3,4,6,7,8-HxCDF]	0.1
15.	67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran [1,2,3,4,6,7,8-HpCDF]	0.01
16.	55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran [1,2,3,4,7,8,9-HpCDF]	0.01
17.	39001-02-0	1,2,3,4,6,7,8,9-Octachlorodibenzofuran [1,2,3,4,6,7,8,9-OCDF]	0.003
18.	32598-13-3	3,3',4,4'-Tetrachlorobiphenyl [3,3',4,4'-tetraCB (PCB 77)]	0.0001
19.	70362-50-4	3,4,4',5'-Tetrachlorobiphenyl [3,4,4',5'-tetraCB (PCB 81)]	0.0003
20.	57465-28-8	3,3',4,4',5'-Pentachlorobiphenyl (PCB 126) [3,3',4,4',5'-pentaCB (PCB 126)]	0.1
21.	32774-16-6	3,3',4,4',5,5'-Hexachlorobiphenyl [3,3',4,4',5,5'-hexaCB (PCB 169)]	0.03
22.	32598-14-4	2,3,3',4,4'-Pentachlorobiphenyl [2,3,3',4,4'-pentaCB (PCB 105)]	0.00003
23.	74472-37-0	2,3,4,4',5'-Pentachlorobiphenyl [2,3,4,4',5'-pentaCB (PCB 114)]	0.00003
24.	31508-00-6	2,3',4,4',5'-Pentachlorobiphenyl [2,3',4,4',5'-pentaCB (PCB 118)]	0.00003
25.	65510-44-3	2',3,4,4',5'-Pentachlorobiphenyl [2',3,4,4',5'-pentaCB (PCB 123)]	0.00003
26.	38380-08-4	2,3,3',4,4',5'-Hexachlorobiphenyl [2,3,3',4,4',5'-hexaCB (PCB 156)]	0.00003
27.	69782-90-7	2,3,3',4,4',5,5'-Hexachlorobiphenyl [2,3,3',4,4',5,5'-hexaCB (PCB 157)]	0.00003
28.	52663-72-6	2,3',4,4',5,5'-Hexachlorobiphenyl [2,3',4,4',5,5'-hexaCB (PCB 167)]	0.00003
29.	39635-31-9	2,3,3',4,4',5,5'-Heptachlorobiphenyl [2,3,3',4,4',5,5'-heptaCB (PCB 189)]	0.00003

O. Reg. 282/11, s. 19.

**ONTARIO REGULATION 282/11**

made under the

**ENVIRONMENTAL PROTECTION ACT**

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Amending O. Reg. 419/05

(Air Pollution — Local Air Quality)

Note: Ontario Regulation 419/05 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. (1) Subsection 1 (1) of Ontario Regulation 419/05 is amended by adding the following definitions:**

“dioxins, furans and dioxin-like PCBs” means the contaminants listed in Schedule 8;

**(2) Section 1 of the Regulation is amended by adding the following subsection:**

(2.0.1) For the purposes of this Regulation, an amount (or concentration) of a metal’s compounds is the sum of the amounts (or concentrations) of that metal in those compounds.

**(3) Section 1 of the Regulation is amended by adding the following subsection:**

(2.0.2) For the purposes of this Regulation, an amount (or concentration) of dioxins, furans and dioxin-like PCBs shall be calculated in accordance with the following rules:

1. For each contaminant listed in Schedule 8, calculate the Toxicity Equivalent (TEQ) by multiplying the amount (or concentration) of the contaminant by the Toxic Equivalency Factor set out opposite the contaminant in that Schedule.
2. The amount (or concentration) of dioxins, furans and dioxin-like PCBs is the sum of all the Toxicity Equivalents calculated under paragraph 1.

**2. Subsection 3 (1) of the Regulation is amended by striking out “except section 34” and substituting “except section 46”.****3. Subsection 4 (2) of the Regulation is amended by striking out “except section 34” in the portion before clause (a) and substituting “except section 46”.**

**4. Clause 20 (3) (c) of the Regulation is amended by striking out “to alter the standard set out in Schedule 3” and substituting “to set a site-specific standard”.**

**5. Section 22 of the Regulation is amended by adding the following subsections:**

(6) Subsection (5) does not apply if the Director has set a site-specific standard for the contaminant under subsection 35 (1) and the period specified by the Director under subsection 35 (9) includes the date the amendment to Schedule 3 comes into force.

(7) Subsection (8) applies if all the following circumstances exist:

1. Subsection (5) applies for the purpose of preparing a report under subsection (1).
2. The person who is required to prepare the report under subsection (1) has, under section 32, made a request that the Director set a site-specific standard for the contaminant referred to in subsection (5) in respect to the facility.
3. The Director has not yet decided whether to set a site-specific standard for the contaminant.

(8) In the circumstances described in subsection (7), in addition to using the standard set out in the amendment to Schedule 3 in accordance with subsection (5), the person who is required to prepare the report shall use the following concentration:

1. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 7 i of subsection 33 (1), the concentration of the contaminant on which the ranking of that method or combination was based under paragraph 6 of that subsection.
2. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 7 ii of subsection 33 (1), the maximum concentration of the contaminant that, according to the approved dispersion model that was used for the purpose of that subparagraph, would result at a point of impingement if that method or combination of methods were used with respect to the sources of contaminant to which the request relates.
3. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 4 i of subsection 33 (4), the concentration of the contaminant on which the ranking of that method or combination was based under paragraph 3 of that subsection.
4. If the request under section 32 includes a plan on how to implement a method or combination of methods described in subparagraph 4 ii of subsection 33 (4), the maximum concentration of the contaminant that, according to the approved dispersion model that was used for the purpose of that subparagraph, would result at a point of impingement if that method or combination of methods were used with respect to the sources of contaminant to which the request relates.

**6. (1) Subsection 32 (1) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:**

**Request for site-specific standard**

(1) A person may request that the Director set a site-specific standard for a contaminant listed in Schedule 3, for the averaging period specified by the person under paragraph 0.1 of subsection 33 (1), if any of the following circumstances apply:

.....

**(2) Paragraph 1 of subsection 32 (1) of the Regulation is amended by striking out “that is the subject of the request” at the end and substituting “for the contaminant and the specified averaging period”.**

**(3) Paragraph 2 of subsection 32 (1) of the Regulation is amended by striking out “that is the subject of the request” at the end and substituting “for the contaminant and the specified averaging period”.**

**(4) Paragraph 3 of subsection 32 (1) of the Regulation is amended by striking out “that is the subject of the request” at the end and substituting “for the contaminant and the specified averaging period”.**

**(5) Paragraph 4 of subsection 32 (1) of the Regulation is amended by striking out “that is the subject of the request” at the end and substituting “for the contaminant and the specified averaging period”.**

**(6) Paragraph 5 of subsection 32 (1) of the Regulation is amended by striking out “that is the subject of the request” in the portion before subparagraph i and substituting “for the contaminant and the specified averaging period”.**

**(7) Paragraphs 6 and 7 of subsection 32 (1) of the Regulation are revoked and the following substituted:**

6. Because of notice given by the Director before February 1, 2020 under subsection 7 (1), there is only one approved dispersion model that may be used by the person with respect to the contaminant and the specified averaging period, the person discharges or causes or permits the discharge of the contaminant from a facility and, according to that approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.
7. Because of notice given by the Director on or after February 1, 2020 under subsection 7 (1), there is only one approved dispersion model that may be used by the person with respect to the contaminant and the specified averaging period, that approved dispersion model is not referred to in paragraphs 1 to 5 of subsection 6 (1), the person discharges or causes or permits the discharge of the contaminant from a facility and, according to that approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the contaminant and the specified averaging period.

**(8) Paragraph 8 of subsection 32 (1) of the Regulation is amended by striking out “that is the subject of the request” at the end and substituting “for the contaminant and the specified averaging period”.**

**(9) Subsection 32 (1) of the Regulation is amended by adding the following paragraph:**

- 8.1 The person discharges or causes or permits the discharge of the contaminant from a facility, the Director has set a site-specific standard for the contaminant and the

specified averaging period in respect of the facility under subsection 35 (1) and, according to an approved dispersion model, discharges of the contaminant from the facility would result in the concentration of the contaminant at a point of impingement exceeding the standard set out in Schedule 3 for the specified averaging period that would apply if the site-specific standard had not been set by the Director.

**(10) Subsection 32 (2) of the Regulation is amended by striking out “a standard set out” and substituting “a standard for the contaminant and the specified averaging period that is set out”.**

**(11) Subsection 32 (9) of the Regulation is amended by striking out “a standard set out” in the portion before paragraph 1 and substituting “a standard for the contaminant and the specified averaging period that is set out”.**

**(12) Section 32 of the Regulation is amended by adding the following subsection:**

(12) A person who makes a request under subsection (1) that relies on paragraph 8.1 of subsection (1) may not make the request less than 15 months before the last day of the period specified by the Director under subsection 35 (9) in respect of the site-specific standard previously set by the Director.

**7. (1) Subsection 33 (1) of the Regulation is amended by adding the following paragraph:**

0.1 A statement specifying an averaging period for the purpose of the request in accordance with subsection (1.1).

**(2) Paragraph 8 of subsection 33 (1) of the Regulation is revoked and the following substituted:**

8. If a public meeting is held under subsection 34 (1) before the request is made under section 32, a description of the steps taken under section 34 by the person making the request, including a summary of the questions asked and comments made by persons who attended the public meeting and the responses of the person making the request.

**(3) Section 33 is amended by adding the following subsection:**

(1.1) The averaging period specified under paragraph 0.1 of subsection (1) must be an averaging period for which a standard is set out for the contaminant in Schedule 3 or in an amendment to Schedule 3 that has not yet come into force.

**8. (1) Subsection 34 (1) of the Regulation is revoked and the following substituted:**  
**Public meeting before request**

(1) Subject to subsection (1.1), a person making a request under section 32 shall, before making the request, hold a public meeting on the proposed request.

(1.1) A person making a request under section 32 may make the request without holding a public meeting or without complying with subsections (2) to (4) if the Director has ever set a site-specific standard under section 35 for the same contaminant in respect of the same facility, even if the site-specific standard was for a different averaging period.

**(2) Clause 34 (2) (b) of the Regulation is amended by striking out the portion before subclause (i) and substituting the following:**

(b) ensure that all of the information contained in the notice referred to in clause (a) is



given in writing to,

.....

**(3) Sub-subclause 34 (2) (b) (i) (B) of the Regulation is amended by striking out “the standard that is the subject of the request” at the end and substituting “the standard set out in Schedule 3 for the contaminant for the averaging period specified under paragraph 0.1 of subsection 33 (1)”.**

**(4) Clause 34 (3) (a) of the Regulation is amended by striking out the portion before subclause (i) and substituting the following:**

(a) make available, without charge, to everyone in attendance,

.....

**(5) Clause 34 (3) (b) of the Regulation is amended by striking out “provide a complete written copy” and substituting “provide, without charge, a complete written copy”.**

**(6) Subsection 34 (4) of the Regulation is amended by striking out “provide written material” and substituting “provide, without charge, written material”.**

**9. The Regulation is amended by adding the following section:**

**Public meeting required by Director**

**34.1** (1) The Director may give a person who has made a request under section 32 a notice requiring the person to hold a public meeting on the request if both of the following criteria are met:

1. Pursuant to subsection 34 (1.1),

- i. the person did not hold a public meeting on the request, or
- ii. the person held a public meeting on the request but did not comply with subsections 34 (2) to (4).

2. Any of the following criteria are met:

- i. The Director is of the opinion that implementation of the plan submitted with the request under paragraph 7 of subsection 33 (1) or paragraph 4 of subsection 33 (4) would require significant changes to the method or combination of methods that was implemented under the corresponding plan that was submitted when the request was made for the site-specific standard previously set by the Director.
- ii. The averaging period specified under paragraph 0.1 of subsection 33 (1) with respect to the request is different from the averaging period that applied to the site-specific standard previously set by the Director.
- iii. The averaging period specified under paragraph 0.1 of subsection 33 (1) with respect to the request is the same as the averaging period that applied to the site-specific standard previously set by the Director and the Director is of the opinion that the material included in the request under section 33 may justify the setting of a site-specific standard that is less stringent than the previously-established standard.

iv. The Director is of the opinion that subsection 35 (2) may not permit the Director to approve the request.

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 30 days after the draft is given.

(3) If a person is required to hold a public meeting under subsection (1),

(a) the person shall hold the meeting before the date specified by the Director in the notice given under subsection (1); and

(b) the person shall, within the period specified by the Director in the notice given under subsection (1), provide the Director with a description of the steps taken under subsections (4) to (6) by the person, including a summary of the questions asked and comments made by persons who attended the public meeting and the responses of the person making the request.

(4) The person who made the request under section 32 shall, at least 15 days before a public meeting required under this section,

(a) publish a notice in a newspaper having general circulation in the area where the source of contaminant is located, setting out the name, address and telephone number of the person and informing the public of the request, the purpose of the request and the date, time and place of the meeting; and

(b) ensure that all of the information contained in the notice referred to in clause (a) is given in writing to,

(i) the owners and occupants of,

(A) every property that adjoins or is within 500 metres of the property on which the source of contaminant is located, and

(B) every property where, according to an approved dispersion model, there is a point of impingement where, as a result of discharges of the contaminant that is the subject of the request, the concentration of the contaminant may exceed the standard set out in Schedule 3 for the contaminant for the averaging period specified under paragraph 0.1 of subsection 33 (1),

(ii) the medical officer of health for the health unit in which the source of contaminant is located and the medical officer of health for each health unit in which a property described in subclause (i) is located,

(iii) the Ministry, and

(iv) each municipality in which the source of contaminant is located and every other municipality that is within 500 metres of the property on which the source of contaminant is located.

(5) The person who made the request under section 32 shall, at a public meeting required under this section,

(a) make available, without charge, to everyone in attendance,

(i) a written copy of the executive summary of the report that was included in the

request under paragraph 1 of subsection 33 (1), and

(ii) a written explanation, written in language that can be understood by persons without specialized scientific training, of the request, including the materials described in subsections 33 (1), (2) and (4);

(b) offer to provide, without charge, a complete written copy of the request, including the materials described in subsections 33 (1), (2) and (4), to every person in attendance who asks for a copy;

(c) provide the copies requested under clause (b), or make arrangements to provide those copies as soon as practicable after the meeting;

(d) explain the request;

(e) explain how the *Environmental Bill of Rights, 1993* applies to the request; and

(f) provide a reasonable opportunity for those in attendance to ask questions of the person who made the request under section 32 and to comment on the request.

(6) The person who made the request under section 32 shall provide, without charge, written material referred to in clause (5) (a) or (b) as soon as practicable to any person who makes a request for the material within 30 days after a public meeting required under this section.

**10. (1) Subsection 35 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

**Approval of request to set site-specific standard**

(1) The Director may approve a request under section 32 and set a site-specific standard for the contaminant that is the subject of the request if,

.....

**(2) Clause 35 (1) (a) of the Regulation is amended by striking out “sections 32 to 34” and substituting “sections 32 to 34.1”.**

**(3) Subclause 35 (1) (b) (i) of the Regulation is amended by striking out “the standard set out in Schedule 3 for the contaminant” in the portion before sub-subclause (A) and substituting “the standard set out in Schedule 3 for the contaminant for the averaging period specified under paragraph 0.1 of subsection 33 (1)”.**

**(4) Subclause 35 (1) (b) (ii) of the Regulation is amended by striking out “the alteration of the standard is the minimum alteration” and substituting “the difference between the standard set out in Schedule 3 for the contaminant for the averaging period specified in paragraph 0.1 of subsection 33 (1) and the site-specific standard set by the Director for the contaminant is the minimum difference”.**

**(5) Subsection 35 (2) of the Regulation is amended by striking out “to alter a standard set out in Schedule 3 for a contaminant if the contaminant is listed in Schedule 6 and the Director is of the opinion that the alteration” and substituting “to set a site-specific standard for a contaminant if the contaminant is listed in Schedule 6 and the Director is of the opinion that the site-specific standard”.**

**(6) Section 35 of the Regulation is amended by adding the following subsection:**

(3.1) If the Director approves a request under section 32 and sets a site-specific standard, the approval shall specify that the standard applies only to the averaging period specified under paragraph 0.1 of subsection 33 (1).

**(7) Subsection 35 (4) of the Regulation is revoked and the following substituted:**

(4) Subject to subsection (4.1), if a site-specific standard for a contaminant is set by the Director under subsection (1), references in this Regulation to a standard set out in Schedule 3 for the contaminant shall be deemed, for the averaging period specified by the Director, to be references to the site-specific standard.

(4.1) Subsection (4) does not apply to the following references:

1. References to a standard set out in an amendment to Schedule 3.
2. References in this section, sections 32 to 34.1 and sections 36 to 37.1 to a standard set out in Schedule 3.

**(8) Subsection 35 (5) of the Regulation is amended by striking out “discharges of the contaminant from”.**

**(9) Subsection 35 (8) of the Regulation is amended by striking out “a standard has been altered” and substituting “a site-specific standard has been set by the Director”.**

**(10) Subsection 35 (9) of the Regulation is revoked and the following substituted:**

(9) Subsection (4) applies only to a period specified by the Director in the approval that ends at least five years and not more than 10 years after the period begins.

(9.1) If an amendment to Schedule 3 that has not yet come into force sets out a standard for a contaminant, and a site-specific standard set by the Director applies to the same contaminant and the same averaging period, the period specified by the Director under subsection (9) shall not begin earlier than the date the amendment comes into force unless specifically requested by the person making the request.

**(11) Subsection 35 (11) of the Regulation is amended by striking out “the alteration of the standard set out in Schedule 3 for a contaminant is approved” and substituting “a site-specific standard for a contaminant is set by the Director”.**

**(12) Subsection 35 (13) of the Regulation is revoked and the following substituted:**

(13) If the Director approves a request under subsection (1), the person who made the request shall, without charge,

- (a) give a copy of the approval to any person within 15 days after the person requests it; and
- (b) make available for inspection by any person at the facility during regular business hours, during the period specified by the Director under subsection (9),
  - (i) a written explanation, written in language that can be understood by persons without specialized scientific training, of the request, including the materials that were included under subsections 33 (1), (2) and (4), and
  - (ii) a complete written copy of the request, including the materials that were included under subsections 33 (1), (2) and (4).

**(13) Subsection 35 (14) of the Regulation is revoked and the following substituted:**

(14) If the Director sets a site-specific standard, he or she may make an order requiring a person to whom the site-specific standard applies to take steps specified by the order, not later than the dates specified in the order, that are related to complying with section 20, having regard to subsection (4).

**(14) Subsection 35 (15) of the Regulation is amended by striking out “the standard set out in Schedule 3 that was altered by the approval under subsection (1)” at the end and substituting “subsection (4)”.**

**11. Section 36 of the Regulation is revoked and the following substituted:**

**Amendments related to site-specific standard**

**36.** (1) If the Director sets a site-specific standard under subsection 35 (1), the Director may give a person to whom the site-specific standard applies a notice,

- (a) altering the conditions imposed under subsection 35 (6);
- (b) altering the period referred to in subsection 35 (9) so that it ends on an earlier date, if the Director is of the opinion that the person should be capable of complying with a more stringent standard by the earlier date;
- (c) altering the period referred to in subsection 35 (9) so that it ends on a later date that is not more than 10 years after the date the period began;
- (d) replacing the site-specific standard with a more stringent site-specific standard, if the Director is of the opinion that,
  - (i) the person is capable of complying with the more stringent site-specific standard, or
  - (ii) discharges of the contaminant that are permitted by the site-specific standard may cause an adverse effect;
- (e) replacing the site-specific standard with a site-specific standard for another averaging period, if Schedule 3 sets out a standard for the other averaging period and, after the first-mentioned site-specific standard was set, an amendment to Schedule 3 removed the standard set out in Schedule 3 for the averaging period to which the first-mentioned site-specific standard applied; or
- (f) setting an additional site-specific standard for another averaging period, if,
  - (i) after the first site-specific standard was set, an amendment to Schedule 3 added a new standard that applies to the other averaging period, and
  - (ii) the Director is of the opinion that the additional site-specific standard can be complied with by implementing the plan that was submitted under paragraph 7 of subsection 33 (1) or paragraph 4 of subsection 33 (4) with the request that related to the first site-specific standard.

(2) Before the Director gives a person a notice under subsection (1), the Director shall give the person a draft of the notice and an opportunity to make written submissions to the Director during the period that ends 90 days after the draft is given.

(3) References in this Regulation to a site-specific standard set under subsection 35 (1) include a replacement site-specific standard or additional site-specific standard set under clause (1) (d), (e) or (f).

**12. Subsection 37 (1) of the Regulation is revoked and the following substituted:****Revocation of site-specific standard**

(1) The Director may give a person to whom a site-specific standard applies a written notice revoking the site-specific standard if the Director is of the opinion that,

- (a) discharges of a contaminant that are permitted as a result of the site-specific standard may cause an adverse effect;
- (b) conditions referred to in subsection 35 (6) or (8) are not being met;
- (c) the person is unable to comply with section 20, even though the site-specific standard was set; or
- (d) the person would be able to comply with section 20 without the site-specific standard.

**13. The Regulation is amended by adding the following section before the heading “Technical Standards for Classes of Facilities”.****Transition**

**37.1** (1) If, before the day this section came into force, the Director approved a request under section 32 to alter a standard set out in Schedule 3, the altered standard shall be deemed, for the purposes of this Regulation, to be a site-specific standard set by the Director.

(2) If, before the day this section came into force, a person made a request under section 32 to alter a standard set out in Schedule 3 and the request was not approved or refused by the Director before that day, the Director shall consider the request as if it were a request for a site-specific standard and, for that purpose, the person who made the request shall be deemed, under paragraph 0.1 of subsection 33 (1), to have specified the averaging period of the standard set out in Schedule 3 that was the subject of the request.

**14. Subparagraph 3 iii of subsection 38 (1) of the Regulation is amended by striking out “for approval of alterations to the standard” and substituting “to set site-specific standards”.****15. (1) The heading to Schedule 2 to the Regulation is revoked and the following substituted:**

SCHEDULE 2  
UPDATED STANDARDS WITH HALF HOUR AVERAGING PERIODS

(See section 19)

**(2) Schedule 2 to the Regulation is amended by adding the following items:**

11.1	71-43-2	Benzene	7
11.2	50-32-8	Benzo(a)pyrene	0.00015

. . . . .

17.0.1	106-99-0	Butadiene, 1,3-	30
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**(3) Item 18 of Schedule 2 to the Regulation is amended by striking out “Cadmium (and Cadmium Compounds)” and substituting “Cadmium and Cadmium Compounds”.****(4) Schedule 2 to the Regulation is amended by adding the following items:**

27.1	7440-47-3	Chromium Compounds (Hexavalent)	0.002
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27.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)			1.5
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38.1	-	Dioxins, Furans and Dioxin-like PCBs			0.0000003
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**(5) Item 63 of Schedule 2 to the Regulation is revoked and the following substituted:**

63.	7439-92-1	Lead and Lead Compounds			1.5
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**(6) Schedule 2 to the Regulation is amended by adding the following items:**

66.1	7439-96-5	Manganese and Manganese Compounds			1.2
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**(7) Item 85 of Schedule 2 to the Regulation is revoked and the following substituted:**

85.	7440-02-0	Nickel and Nickel Compounds			0.6
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**(8) Schedule 2 to the Regulation is amended by adding the following item:**

113.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter			0.45
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**16. (1) The heading to Schedule 3 to the Regulation is revoked and the following substituted:**

SCHEDULE 3  
STANDARDS WITH VARIABLE AVERAGING PERIODS

(See section 20)

**(2) Schedule 3 to the Regulation is amended by adding the following items:**

9.1	71-43-2	Benzene	-	-	0.45; annual
9.2	50-32-8	Benzo(a)pyrene	-	-	0.00001; annual

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15.0.1	106-99-0	Butadiene, 1,3-	-	-	2; annual
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**(3) Item 16 of Schedule 3 to the Regulation is amended by striking out “Cadmium (and Cadmium Compounds)” and substituting “Cadmium and Cadmium Compounds”.**

**(4) Schedule 3 to the Regulation is amended by adding the following items:**

25.1	7440-47-3	Chromium Compounds (Hexavalent)	-	-	0.00014; annual
25.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)	-	0.5	-

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34.1	-	Dioxins, Furans and Dioxin-like PCBs	-		0.0000001
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**(5) Item 55 of Schedule 3 to the Regulation is revoked and the following substituted:**

55.	7439-92-1	Lead and Lead Compounds	-	0.5	0.2; 30 day
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**(6) Schedule 3 to the Regulation is amended by adding the following item:**

58.0.1	7439-96-5	Manganese and Manganese Compounds	-	0.4	-
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**(7) Item 72 of Schedule 3 to the Regulation is revoked and the following substituted:**

72.	7440-02-0	Nickel and Nickel Compounds	-	-	0.04; annual
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**(8) Schedule 3 to the Regulation is amended by adding the following item:**

97.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter	-	-	0.03; annual
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**17. (1) Schedule 6 to the Regulation is amended by adding the following items:**

6.0.1	71-43-2	Benzene	300		100 (24 hour)
6.0.2	50-32-8	Benzo(a)pyrene	0.015		0.005 (24 hour)
6.0.3	106-99-0	Butadiene, 1,3-	900		300 (24 hour)

**(2) Item 6.2 of Schedule 6 to the Regulation is revoked and the following substituted:**

6.2	7440-43-9	Cadmium and Cadmium Compounds	0.75		0.25 (24 hour)
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**(3) Schedule 6 to the Regulation is amended by adding the following items:**

9.1	7440-47-3	Chromium Compounds (Hexavalent)	0.21		0.07 (24 hour)
9.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)	15		5 (24 hour)

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12.2	-	Dioxins, Furans and Dioxin-like PCBs	0.000003		0.000001 (24 hour)
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**(4) Item 22.1 of Schedule 6 to the Regulation is revoked and the following substituted:**

22.1	7439-92-1	Lead and Lead Compounds	6		2 (24 hour)
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**(5) Schedule 6 to the Regulation is amended by adding the following items:**

22.1.1	7439-96-5	Manganese and Manganese Compounds	12		4 (24 hour)
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28.	7440-02-0	Nickel and Nickel Compounds	6		2 (24 hour)
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36.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter	4.5		1.5 (24 hour)
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**18. (1) Schedule 7 to the Regulation is amended by adding the following items:**

5.0.1	71-43-2	Benzene			
5.0.2	50-32-8	Benzo(a)pyrene			
5.0.3	106-99-0	Butadiene, 1,3-			

**(2) Item 5.2 of Schedule 7 to the Regulation is revoked and the following substituted:**

5.2	7440-43-9	Cadmium and Cadmium Compounds			
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**(3) Schedule 7 to the Regulation is amended by adding the following items:**

7.1	7440-47-3	Chromium Compounds (Hexavalent)			
7.2	7440-47-3	Chromium and Chromium Compounds (Metallic, Divalent and Trivalent)			

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8.2	-	Dioxins, Furans and Dioxin-like PCBs			
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**(4) Item 17.1 of Schedule 7 to the Regulation is revoked and the following substituted:**

17.1	7439-92-1	Lead and Lead Compounds			
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**(5) Schedule 7 to the Regulation is amended by adding the following items:**



17.1.1	7439-96-5	Manganese and Manganese Compounds
. . . . .		
23.	7440-02-0	Nickel and Nickel Compounds
. . . . .		
31.4	7440-61-1	Uranium and Uranium Compounds in particulate matter that is less than 10 µm in diameter

**19. The Regulation is amended by adding the following Schedule:**

**SCHEDULE 8  
DIOXINS, FURANS AND DIOXIN-LIKE PCBS**

Item	CAS No.	Contaminant	Toxic Equivalency Factor
1.	1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1
2.	40321-76-4	1,2,3,7,8-Pentachlorodibenzo-p-dioxin [1,2,3,7,8-PeCDD]	1
3.	39227-28-6	1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin [1,2,3,4,7,8-HxCDD]	0.1
4.	57653-85-7	1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin [1,2,3,6,7,8-HxCDD]	0.1
5.	19408-74-3	1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin [1,2,3,7,8,9-HxCDD]	0.1
6.	35822-46-9	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin [1,2,3,4,6,7,8-HpCDD]	0.01
7.	3268-87-9	1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin [1,2,3,4,6,7,8,9-OCDD]	0.0003
8.	51207-31-9	2,3,7,8-Tetrachlorodibenzofuran [2,3,7,8-TCDF]	0.1
9.	57117-41-6	1,2,3,7,8-Pentachlorodibenzofuran [1,2,3,7,8-PeCDF]	0.03
10.	57117-31-4	2,3,4,7,8-Pentachlorodibenzofuran [2,3,4,7,8-PeCDF]	0.3
11.	70648-26-9	1,2,3,4,7,8-Hexachlorodibenzofuran [1,2,3,4,7,8-HxCDF]	0.1
12.	57117-44-9	1,2,3,6,7,8-Hexachlorodibenzofuran [1,2,3,6,7,8-HxCDF]	0.1
13.	72918-21-9	1,2,3,7,8,9-Hexachlorodibenzofuran [1,2,3,7,8,9-HxCDF]	0.1
14.	60851-34-5	2,3,4,6,7,8-Hexachlorodibenzofuran [2,3,4,6,7,8-HxCDF]	0.1
15.	67562-39-4	1,2,3,4,6,7,8-Heptachlorodibenzofuran [1,2,3,4,6,7,8-HpCDF]	0.01
16.	55673-89-7	1,2,3,4,7,8,9-Heptachlorodibenzofuran [1,2,3,4,7,8,9-HpCDF]	0.01
17.	39001-02-0	1,2,3,4,6,7,8,9-Octachlorodibenzofuran [1,2,3,4,6,7,8,9-OCDF]	0.003
18.	32598-13-3	3,3',4,4'-Tetrachlorobiphenyl [3,3',4,4'-tetraCB (PCB 77)]	0.0001
19.	70362-50-4	3,4,4',5'-Tetrachlorobiphenyl [3,4,4',5'-tetraCB (PCB 81)]	0.0003
20.	57465-28-8	3,3',4,4',5'-Pentachlorobiphenyl (PCB 126) [3,3',4,4',5'-pentaCB (PCB 126)]	0.1
21.	32774-16-6	3,3',4,4',5,5'-Hexachlorobiphenyl [3,3',4,4',5,5'-hexaCB (PCB 169)]	0.03
22.	32598-14-4	2,3,3',4,4'-Pentachlorobiphenyl [2,3,3',4,4'-pentaCB (PCB 105)]	0.00003
23.	74472-37-0	2,3,4,4',5'-Pentachlorobiphenyl [2,3,4,4',5'-pentaCB (PCB 114)]	0.00003
24.	31508-00-6	2,3',4,4',5'-Pentachlorobiphenyl [2,3',4,4',5'-pentaCB (PCB 118)]	0.00003
25.	65510-44-3	2',3,4,4',5'-Pentachlorobiphenyl [2',3,4,4',5'-pentaCB (PCB 123)]	0.00003
26.	38380-08-4	2,3,3',4,4',5'-Hexachlorobiphenyl [2,3,3',4,4',5'-hexaCB (PCB 156)]	0.00003
27.	69782-90-7	2,3,3',4,4',5'-Hexachlorobiphenyl [2,3,3',4,4',5'-hexaCB (PCB 157)]	0.00003
28.	52663-72-6	2,3',4,4',5,5'-Hexachlorobiphenyl [2,3',4,4',5,5'-hexaCB (PCB 167)]	0.00003
29.	39635-31-9	2,3,3',4,4',5,5'-Heptachlorobiphenyl [2,3,3',4,4',5,5'-heptaCB (PCB 189)]	0.00003

**Commencement**

**20. (1) Subject to subsections (2) and (3), this Regulation comes into force on July 1, 2016.**

**(2) Subsection 1 (2), sections 2 to 14 and subsections 15 (1) and (5), 16 (1) and (5), 17 (2) and (4) and 18 (2) and (4) come into force on the later of the following days:**

**1. July 1, 2011.**

**2. The day this Regulation is filed.**

**(3) Subsections 15 (3) and 16 (3) come into force on February 1, 2013.**

[Back to top](#)