

CHAPTER 141

Environmental Protection Act

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Definitions

1.—(1) In this Act,

- (a) “adverse effect” means one or more of,
 - (i) impairment of the quality of the natural environment for any use that can be made of it,
 - (ii) injury or damage to property or to plant or animal life,
 - (iii) harm or material discomfort to any person,
 - (iv) an adverse effect on the health of any person,
 - (v) impairment of the safety of any person,
 - (vi) rendering any property or plant or animal life unfit for use by man,
 - (vii) loss of enjoyment of normal use of property, and
 - (viii) interference with the normal conduct of business; (“conséquence préjudiciable”)
- (aa) “air” means open air not enclosed in a building, structure, machine, chimney, stack or flue; (“air”)
- (ab) “analyst” means an analyst appointed under this Act; (“analyste”)
- (b) “Board” means the Environmental Appeal Board; (“Commission”)
- (c) “contaminant” means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect; (“contaminant”)

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- (b) who is the person responsible for a source of contaminant that discharges into the natural environment,

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Ministry of the discharge. 1988, c. 54, s. 9.

Exception

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. R.S.O. 1980, c. 141, s. 12 (2).

Prohibition

13.—(1) Notwithstanding any other provision of this Act or the regulations, no person shall discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect.

Exception

(2) Subsection (1) does not apply, in respect of an adverse effect referred to in subclause 1 (1) (a) (i), to animal wastes disposed of in accordance with normal farming practices. 1988, c. 54, s. 10.

When
Ministry to
be notified

14.—(1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment out of the normal course of events that causes or is likely to cause an adverse effect shall forthwith notify the Ministry. 1988, c. 54, s. 11 (1).

Exception

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. R.S.O. 1980, c. 141, s. 14 (2).

(3) REPEALED: 1988, c. 54, s. 11 (2).

Application
of Part not
restricted

15. Unless otherwise required by the context, the provisions of this Part also apply to the subject-matter of the individual Parts of this Act. R.S.O. 1980, c. 141, s. 15.

Remedial
orders

16. Where any person causes or permits the discharge of a contaminant into the natural environment, so that land, water, property, animal life, plant life, or human health or safety is injured, damaged or endangered, or is likely to be injured, damaged or endangered, the Director may order the person to,

impingement from a source of contaminant, other than a motor vehicle, shall not be greater than the concentration set out opposite thereto in Column 3 of Schedule 1, expressed in the unit of concentration set out opposite thereto in Column 2 of Schedule 1.

(2) The concentration of a contaminant at a point of impingement may be calculated in accordance with the Appendix.

(3) No person shall cause or permit the concentration of a contaminant at a point of impingement to exceed the standard prescribed in Schedule 1. R.R.O. 1980, Reg. 308, s. 5.

6. 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. R.R.O. 1980, Reg. 308, s. 6.

7.—(1) The Ministry shall prepare a chart to be known as the "Visible Emission Chart of the Province of Ontario".

(2) The Visible Emission Chart of the Province of Ontario shall consist of two one-inch squares on a white background such that,

- (a) the area within the square designated as number 1 shall have black dots or lines evenly spaced such that approximately twenty per cent of the area is black;
- (b) the area within the square designated as number 2 shall have black dots or lines evenly spaced such that approximately forty per cent of the area is black.

(3) For the purpose of enforcing the Act and this Regulation no person other than a provincial officer who has been trained by the Ministry in the identification of opacity shall determine the opacity of a visible emission. R.R.O. 1980, Reg. 308, s. 7.

8.—(1) Subject to subsection (2), no person shall cause or permit to be caused a visible emission,

- (a) having shades of grey darker than number 1 on the Visible Emission Chart of the Province of Ontario at the point of emission; or
- (b) that obstructs the passage of light to a degree greater than twenty per cent at the point of emission.

(2) A visible emission from a source of combustion employing solid fuel may,

- (a) be in shades of grey darker than number 1, but not darker than number 2 on the Visible Emission Chart of the Province of Ontario at the point of emission; or
- (b) obstruct the passage of light to a degree greater than 20 per cent but no greater than 40 per cent at the point of emission,

for a period of not more than four minutes in the aggregate in any thirty-minute period. R.R.O. 1980, Reg. 308, s. 8.

9. Where at any stationary source of air pollution a failure to operate in the normal manner or a change in operating conditions occurs, or a shut-down of the source or part thereof is made for some purpose, resulting in the emission of air contaminants that may result in quantities or concentrations in excess of those allowed in sections 5, 6 and 8,

- (a) the owner or operator of the source of air pollution shall,
 - (i) immediately notify a provincial officer and furnish him with particulars of such failure, change or shutdown, and
 - (ii) furnish the provincial officer with the particulars in writing, as soon as is practicable, of such failure, change or shut-down; and

- (b) the provincial officer, where he considers it advisable, may authorize, in writing, the continuance of such operation for such period of time as he considers reasonable in the circumstances and may impose upon the owner or operator such terms and conditions for such continued operation as he considers necessary in the circumstances. R.R.O. 1980, Reg. 308, s. 9.

10.—(1) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste except the fuel waste for the burning of which the equipment or incinerator was designed.

(2) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste at a greater rate than that rate for which the equipment or incinerator was designed. R.R.O. 1980, Reg. 308, s. 10.

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

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