

Ontario Regulation 127/01 ([**included here**](#))
has been amended by
Ontario Regulation 196/01 ([**included here**](#))

This is a copy of the regulation as filed on June 14, 2001; it is scheduled for publication in the Ontario Gazette on June 30, 2001.

ONTARIO REGULATION 196/01
made under the
ENVIRONMENTAL PROTECTION ACT

Amending O. Reg. 127/01
(Airborne Contaminant Discharge Monitoring and Reporting)

Note: Ontario Regulation 127/01 has not previously been amended.

1. (1) Section 15 of Ontario Regulation 127/01 is amended by striking out “the period from January 1, 2001 to April 30, 2001” in the portion before clause (a) and substituting “the period from May 1, 2000 to April 30, 2001”.

(2) Section 15 of the Regulation is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

- (c) for the purpose of the report required to be submitted to the Director under section 4 of Ontario Regulation 227/00 in respect of the period ending December 31, 2000,
 - (i) the reference in section 4 of Ontario Regulation 227/00 to “June 1 in each year” shall be deemed to be a reference to “July 1, 2001”, and
 - (ii) the reference in subsection 13 (1) of Ontario Regulation 227/00 to “June 1, 2001” shall be deemed to be a reference to “July 1, 2001”.

NOTE: this regulation was filed on April 26, 2001, with the Registrar of Regulations and assigned Ontario Regulation number 127/01. The Regulation was Gazetted on May 12, 2001.

Please refer to Publications Ontario for the official version of this Regulation.

ONTARIO REGULATION
made under the
ENVIRONMENTAL PROTECTION ACT

(FILED AS O.REG.127/01)

**AIRBORNE CONTAMINANT DISCHARGE
MONITORING AND REPORTING**

Definitions

1. In this Regulation,

“coating material” includes paints, lacquers, enamels, varnishes, urethanes, polishes, sealers, vinyls and other materials that are used in surface coating operations for decorative or protective purposes, but does not include printing ink;

“discharge unit” means a device, or a group of devices that operate together in such a manner that one device cannot function independently of the other devices in the unit, and that discharges or has the potential to discharge a contaminant into the air;

“facility” includes all buildings, equipment, structures and stationary items, such as surfaces and storage piles, that,

(a) are located on a single site, or

(b) are located on two or more contiguous or adjacent sites that are owned or operated by the same person and function as a single integrated site;

“generation facility” means a facility that is a generation facility as defined in subsection 2 (1) of the *Electricity Act, 1998* but does not include a generation facility that has a generating capacity of 1 megawatt or less or that sells 10 per cent or less of its total electricity generated to the IMO-administered markets as defined in that subsection;

“Guideline” means the Ministry of the Environment publication entitled “Step by Step Guideline for Emission Calculation, Record Keeping and Reporting for Airborne Contaminant Discharge” and dated April 2001, as amended from time to time;

“name plate capacity” means,

- (a) with respect to a discharge unit, the total designed energy input capacity of the discharge unit, including but not limited to the energy input from fuel, steam, electricity, heat of chemical reactions and process materials, and
- (b) with respect to a facility, the total of the name plate capacities of all the discharge units in the facility;

“oxides of nitrogen ” includes nitric oxide and nitrogen dioxide, but does not include nitrous oxide;

“quarter” means a period of three consecutive months that begins on January 1, April 1, July 1 or October 1 of any year;

“solvent” means any volatile organic compound that is used as a diluent, thinner, dissolver, viscosity reducer, cleaning agent or for a similar purpose.

Application

2. (1) This Regulation applies to a facility if the facility is described under the heading “Class A - Electricity Generation” or “Class B - Large Sources” in Table 1 to the Guideline.

(2) This Regulation does not apply to,

- (a) evaporative emissions from a vehicle as defined in the *Highway Traffic Act*; or
- (b) contaminants emitted from the exhaust system of a vehicle as defined in the *Highway Traffic Act*.

(3) On January 1, 2002, subsection (1) is amended by striking out “under the heading “Class A - Electricity Generation” or “Class B - Large Sources” in Table 1 to the Guideline” and substituting “under the heading “Class A - Electricity Generation”, “Class B - Large Sources” or “Class C - Small Sources” in Table 1 to the Guideline”.

Contaminants in Table 2A to the Guideline

3. (1) This section applies to a facility during a calendar year if any one or more of the following criteria are satisfied:

- 1. The facility can reasonably be expected to use coal, refuse, wood or waste oil as fuel at any time during the year.

2. The facility can reasonably be expected to have, at any time during the year, a name plate capacity of greater than 3 million British Thermal Units per hour.
3. The facility can reasonably be expected to use 3,000 kilograms or more of solvents during the year.
4. The facility can reasonably be expected to use 3,000 kilograms or more of coating materials during the year.
5. The facility can reasonably be expected to use 3,000 kilograms or more of printing ink during the year.
6. The facility can reasonably be expected to use 5,000 kilograms or more of welding rods or welding wires during the year.

(2) The owner and the operator of a facility to which this section applies shall ensure that air emissions of a contaminant listed in Table 2A to the Guideline are monitored and calculated in accordance with the Guideline during a calendar year if the contaminant can reasonably be expected to be discharged to the air from the facility at any time during the year.

(3) The following special rules apply to a facility that is a university or college of applied arts and technology or an office building, hotel, shopping centre or similar commercial building:

1. Subsection (2) applies only to the following contaminants:
 - i. Sulphur dioxide.
 - ii. Oxides of nitrogen.
 - iii. HFC-134a.
2. Subsection (2) only applies to a contaminant mentioned in paragraph 1 if it is discharged to the air from a heating or cooling system.

(4) The owner and the operator of a facility who are required under subsection (2) to ensure that air emissions of sulphur dioxide or oxides of nitrogen are monitored and calculated during a calendar year shall ensure that an emissions monitoring system referred to in section 5.5 of the Guideline is used for that purpose if both of the following criteria are satisfied:

1. The facility has a discharge unit with a name plate capacity of more than 73 megawatts.
2. The amount of sulphur dioxide or oxides of nitrogen, as the case may be, discharged to the air by the discharge unit in the year can reasonably be expected to be equal to or greater than the threshold amount for that contaminant set out in Table 2A to the Guideline.

Contaminants in Table 2B to the Guideline

4. (1) This section applies to a contaminant during a calendar year if the contaminant is listed in Table 2B to the Guideline, the contaminant is manufactured or processed or otherwise used at a facility during the year and both of the following criteria are satisfied:

1. The facility can reasonably be expected to employ or engage persons who will together work a total of 20,000 hours or more during the year.
2. The contaminant can reasonably be expected to be manufactured or to be processed or otherwise used at the facility during the year in an amount equal to or greater than the threshold amount for the contaminant set out in Table 2B to the Guideline.

(2) For the purposes of paragraph 2 of subsection (1), the amount of a contaminant that can reasonably be expected to be manufactured or to be processed or otherwise used at a facility during a calendar year shall be determined in accordance with the Guideline.

(3) The owner and the operator of a facility shall ensure that air emissions of a contaminant to which this section applies during a calendar year are monitored and calculated in accordance with the Guideline.

Contaminants in Table 2C to the Guideline

5. If, pursuant to a notice published under section 46 of the *Canadian Environmental Protection Act, 1999* (Canada) in connection with the National Pollutant Release Inventory, a person is required to provide the federal Minister of the Environment with information on the release from a facility into the air of a contaminant listed in Table 2C to the Guideline, the person shall send a copy of that information to the Director at the same time that it is provided to the federal minister.

Annual report

6. (1) The owner and the operator of a facility who are required to ensure that air emissions of a contaminant from the facility are monitored and calculated under section 3 or 4 during a calendar year shall ensure that a report is prepared and submitted to the Director, in accordance with this section and the Guideline, on the air emissions of the contaminant from the facility during the year.

(2) The report shall be submitted to the Director no later than June 1 in the year that follows the year to which the report relates.

(3) The report shall include the following information:

1. The names and addresses of the owner and the operator of the facility.
2. If the report is prepared by someone other than the owner or operator of the facility, the name and address of the person or company who prepared the report.
3. The name, address and geographical location of the facility.
4. If the owner and the operator of the facility were required to ensure that air emissions of a contaminant listed in Table 2A to the Guideline were monitored and calculated under section 3 during the year and the calculations indicate that the amount of the contaminant emitted into the air from the facility during the year is less than the threshold amount for the contaminant set out in that Table, a statement to that effect.
5. With respect to each contaminant listed in Table 2A to the Guideline that was discharged into the air from the facility during the year in an amount equal to or greater than the threshold amount set out for the contaminant in that Table and with respect to each contaminant listed in Table 2B to the Guideline that the facility is required to monitor and calculate under section 4, the following information:
 - i. The name of the contaminant and the Chemical Abstract Service Registry number for the contaminant, or such other identification number assigned to the contaminant by the Ministry, as may be set out in Table 2A or 2B to the Guideline.
 - ii. A list of the methods that were used to monitor and calculate air emissions of the contaminant.
 - iii. The total amount of the contaminant discharged into the air from the facility during the year.
 - iv. In the case of the following contaminants, the total amount of the contaminant discharged into the air from the facility during the period from May 1 to September 30 of the year:

- A. Carbon monoxide.
 - B. Sulphur dioxide.
 - C. Oxides of nitrogen.
 - D. Particulate matter.
 - E. Particulate matter with a diameter less than or equal to 10 micrometres.
 - F. Particulate matter with a diameter less than or equal to 2.5 micrometres.
 - G. Volatile organic compounds.
6. If the facility is a generation facility, the following information:
- i. The amount of electricity produced at the generation facility during the year.
 - ii. A list of the types of energy sources used to produce electricity at the generation facility.
7. Such other information as may be specified in the Guideline.

Quarterly reports with respect to sulphur dioxide and oxides of nitrogen

7. (1) In addition to any report that may be required under section 6, the owner and the operator of a facility who are required under subsection 3 (4) to ensure that an emissions monitoring system referred to in section 5.5 of the Guideline is used during a calendar year to monitor and calculate air emissions of sulphur dioxide or oxides of nitrogen shall ensure that, for each quarter in the year, a quarterly report is prepared and submitted to the Director in accordance with this section and the Guideline.

(2) A quarterly report shall be submitted to the Director within 60 days of the end of each quarter.

(3) A quarterly report shall include the following information:

- 1. The names and addresses of the owner and the operator of the facility.

2. If the report is prepared by someone other than the owner or operator of the facility, the name and address of the person or company who prepared the report.
3. The name, address and geographical location of the facility.
4. The name of, or the identifier for, each discharge unit from which sulphur dioxide or oxides of nitrogen, as the case may be, are discharged into the air and that has a name plate capacity of more than 73 megawatts.
5. The type of pollution control device or method used during the quarter to control air emissions of sulphur dioxide or oxides of nitrogen, as the case may be, from each discharge unit referred to in paragraph 4.
6. The amount of sulphur dioxide or oxides of nitrogen, as the case may be, discharged into the air during the quarter from each discharge unit referred to in paragraph 4.
7. If the quarter began after March 31 in a year, the amount of sulphur dioxide or oxides of nitrogen, as the case may be, discharged into the air from each discharge unit referred to in paragraph 4 during the period from January 1 in the year to the end of the quarter.
8. In the case of a generation facility,
 - i. the type of energy sources used by each discharge unit referred to in paragraph 4 to produce electricity,
 - ii. the average emission rate during the quarter, expressed in kilograms per megawatt hour, for air emissions of sulphur dioxide or oxides of nitrogen, as the case may be, from each discharge unit referred to in paragraph 4 that produces electricity, and
 - iii. if the quarter began after March 31 in a year, the average emission rate for air emissions of sulphur dioxide or oxides of nitrogen, as the case may be, from each discharge unit referred to in paragraph 4 during the period from January 1 in the year to the end of the quarter.
9. Such other information as may be specified in the Guideline.

Reports by generation facilities

8. (1) The owner and the operator of a generation facility who are not required under section 6 to ensure that a report is submitted to the Director in respect of a calendar year shall ensure that a report is prepared and submitted to the Director, in accordance with this section and the Guideline, in respect of the year.

(2) The report shall be submitted to the Director no later than June 1 in the year that follows the calendar year to which the report relates.

(3) The report required under subsection (1) shall include the following information:

1. The names and addresses of the owner and the operator of the facility.
2. If the report is prepared by someone other than the owner or operator of the facility, the name and address of the person or company who prepared the report.
3. The name, address and geographical location of the facility.
4. The amount of electricity produced at the generation facility during the calendar year to which the report relates.
5. A list of the types of energy sources used to produce electricity at the generation facility.
6. Such other information as may be specified in the Guideline.

Notice to Director

9. The owner and the operator of a facility who are required to ensure that air emissions of a contaminant are monitored and calculated under section 3 or 4 shall ensure that the Director is provided with written notice of any change in the name of the facility, the ownership of the facility or the location of the facility, within 15 business days after the change.

Electronic reports

10. The owner and the operator of a facility who are required to ensure that a report is submitted under section 6, 7 or 8 shall ensure that the report is submitted in a form approved by the Director, which may be an electronic format and, if so, it may include an electronic signature approved by the Director.

Records

11. The owner and the operator of a facility who are required under section 3 or 4 to ensure that air emissions of a contaminant are monitored and calculated shall ensure that

such records as may be specified in the Guideline are prepared and maintained in accordance with the Guideline.

Maintenance of reports and records

12. The owner and the operator of a facility who are required to ensure that a report is submitted under section 6, 7 or 8 shall ensure that a copy of the report and of any record prepared for the purposes of the report are kept for at least seven years after the day the report is required to be submitted and shall ensure that any other record required to be prepared under this Regulation is kept for at least seven years after the day the record is required to be prepared.

Inspection of reports and records

13. (1) The owner and the operator of a facility who are required to ensure that a report is kept under section 12 shall ensure that the report is made available for examination by any person, without charge,

- (a) by posting it on the Internet; or
- (b) by making it available during regular business hours at the facility or at the owner or operator's business office.

(2) The owner and the operator of a facility who are required to ensure that records are kept under section 12 shall ensure that the records are produced for inspection by a provincial officer on request.

Transition

14. For the purposes of this Regulation, the period from May 1, 2001 to December 31, 2001 shall be deemed to be a calendar year, the period from May 1, 2001 to June 30, 2001 shall be deemed to be a quarter, and,

- (a) the references in paragraphs 3, 4 and 5 of subsection 3 (1) to "3,000 kilograms" shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be references to "2,000 kilograms";
- (b) the reference in paragraph 6 of subsection 3 (1) to "5,000 kilograms" shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to "3,333 kilograms";
- (c) the reference in paragraph 2 of subsection 3 (4) to "the threshold amount for that contaminant set out in Table 2A to the Guideline" shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to "two-thirds of the threshold amount for that contaminant set out in Table 2A to the Guideline";

- (d) the reference in paragraph 1 of subsection 4 (1) to “20,000 hours” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “13,333 hours”;
- (e) the reference in paragraph 2 of subsection 4 (1) to “the threshold amount for the contaminant set out in Table 2B to the Guideline” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “two-thirds of the threshold amount for the contaminant set out in Table 2B to the Guideline”;
- (f) the reference in paragraph 4 of subsection 6 (3) to “the threshold amount for the contaminant set out in that Table” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “two-thirds of the threshold amount for the contaminant set out in that Table”;
- (g) the reference in paragraph 5 of subsection 6 (3) to “the threshold amount set out for the contaminant in that Table” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “two-thirds of the threshold amount set out for the contaminant in that Table”;
- (h) the reference in paragraph 7 of subsection 7 (3) to “March 31 in a year” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “June 30, 2001”;
- (i) the reference in paragraph 7 of subsection 7 (3) to “January 1 in the year” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “May 1, 2001”;
- (j) the reference in subparagraph 8 iii of subsection 7 (3) to “March 31 in a year” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “June 30, 2001”; and
- (k) the reference in subparagraph 8 iii of subsection 7 (3) to “January 1 in the year” shall be deemed, in respect of the period from May 1, 2001 to December 31, 2001, to be a reference to “May 1, 2001”.

Transition: O. Reg. 227/00

15. Despite the revocation of Ontario Regulation 227/00 (Electricity Generation - Monitoring And Reporting), the provisions of that Regulation relating to reports and records continue in force with respect to the period from January 1, 2001 to April 30, 2001 and,

- (a) for the purpose of the report required to be submitted to the Director under section 4 of Ontario Regulation 227/00 in respect of the period beginning January 1, 2001,
 - (i) the references in section 4 of Ontario Regulation 227/00 to “the previous calendar year” shall be deemed to be references to “the period from January 1, 2001 to April 30, 2001”,
 - (ii) the references in section 7 of Ontario Regulation 227/00 to “a calendar year” and “that year” shall be deemed to be references to “the period from January 1, 2001 to April 30, 2001”,
 - (iii) the reference in section 7 of Ontario Regulation 227/00 to “the reporting threshold set out in that Table for the contaminant” shall be deemed to be a reference to “one-third of the reporting threshold set out in that Table for the contaminant”, and
 - (iv) the reference in paragraph 3 of section 7 of Ontario Regulation 227/00 to “the year” shall be deemed to be a reference to “the period from January 1, 2001 to April 30, 2001”; and
- (b) for the purpose of the report required to be submitted to the Director under subsection 6 (7) of Ontario Regulation 227/00 in respect of the period beginning April 1, 2001, the references in that subsection to “the quarter” shall be deemed to be references to “the period from April 1, 2001 to April 30, 2001”.

Revocation

16. Ontario Regulation 227/00 is revoked.

Commencement

17. This Regulation comes into force on May 1, 2001.