

Environmental Protection Act
Loi sur la protection de l'environnement

ONTARIO REGULATION 127/01

Amended to O. Reg. 37/06

Airborne contaminant discharge Monitoring and Reporting

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations – Legislative History Overview.

This Regulation is made in English only.

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Definitions

1. In this Regulation,

“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;

“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;

“NAICS” means the North American Industry Classification System maintained for Canada by Statistics Canada, as amended or revised 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. O. Reg. 127/01, s. 1; O. Reg. 37/06, s. 1.

Application

2. (1) This Regulation applies to a facility if the facility is part of a class identified by a NAICS code listed in Table 1 to the Guideline. O. Reg. 37/06, s. 2.

(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. O. Reg. 127/01, s. 2 (2).

(3) Spent: O. Reg. 127/01, s. 2 (3).

Contaminants in Table 2A to the Guideline

3. (1) This section applies to a facility during a calendar year if 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. O. Reg. 37/06, s. 3.

(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. O. Reg. 37/06, s. 3.

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. O. Reg. 127/01, s. 4 (1).

(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. O. Reg. 127/01, s. 4 (2).

(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. O. Reg. 127/01, s. 4 (3).

5. Revoked: O. Reg. 37/06, s. 4.

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. O. Reg. 127/01, s. 6 (1).

(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. O. Reg. 127/01, s. 6 (2).

(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. Revoked: O. Reg. 37/06, s. 5 (1).
6. Revoked: O. Reg. 37/06, s. 5 (2).
7. Such other information as may be specified in the Guideline. O. Reg. 127/01, s. 6 (3).
- 7., 8. Revoked: O. Reg. 37/06, s. 6.

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. O. Reg. 127/01, s. 9.

Electronic reports

10. The owner and the operator of a facility who are required to ensure that a report is submitted under section 6 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. O. Reg. 127/01, s. 10; O. Reg. 37/06, s. 7.

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. O. Reg. 127/01, s. 11.

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 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. O. Reg. 127/01, s. 12; O. Reg. 37/06, s. 8.

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. O. Reg. 127/01, s. 13 (1).

(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. O. Reg. 127/01, s. 13 (2).

Transition: reports under s. 6 for 2005

14. A report under section 6 on the air emissions of a contaminant during 2005 may be prepared and submitted to the Director in accordance with this Regulation,

(a) as this Regulation read immediately before this section came into force; or

(b) as this Regulation read immediately after this section came into force. O. Reg. 37/06, s. 9.

15. Revoked: O. Reg. 37/06, s. 9.

16. Omitted (revokes other Regulations). O. Reg. 127/01, s. 16.

17. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 127/01, s. 17.