

**ONTARIO REGULATION 717/94**

Amended to O. Reg. 239/01

**SOLVENTS**

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This Regulation is made in English only.

1. In this Regulation,

"class 1 ozone depleting substance" means,

- (a) CFC-11, also known as fluorotrichloromethane,
- (b) CFC-12, also known as dichlorodifluoromethane,
- (c) CFC-13, also known as chlorotrifluoromethane,
- (d) CFC-111, also known as pentachlorofluoroethane,
- (e) CFC-112, also known as tetrachlorodifluoroethane,
- (f) CFC-113, also known as trichlorotrifluoroethane,
- (g) CFC-114, also known as dichlorotetrafluoroethane,
- (h) CFC-115, also known as monochloropentafluoroethane,
- (i) CFC-211, also known as fluoroheptachloropropane,
- (j) CFC-212, also known as difluorohexachloropropane,
- (k) CFC-213, also known as trifluoropentachloropropane,
- (l) CFC-214, also known as tetrafluorotetrachloropropane,
- (m) CFC-215, also known as pentafluorotrichloropropane,
- (n) CFC-216, also known as hexafluorodichloropropane,
- (o) CFC-217, also known as heptafluorochloropropane,
- (p) halon-1211, also known as bromochlorodifluoromethane,
- (q) halon-1301, also known as bromotrifluoromethane,
- (r) halon-2402, also known as dibromotetrafluoroethane,
- (s) carbon tetrachloride,

- (t) methyl chloroform, also known as 1,1,1 trichloroethane,
- (u) any hydrobromofluorocarbon, and
- (v) any isomer of any substance mentioned in clauses (a) to (u);

"class 2 ozone depleting substance" means,

- (a) HCFC-21, also known as dichlorofluoromethane,
- (b) HCFC-22, also known as chlorodifluoromethane,
- (c) HCFC-31, also known as chlorofluoromethane,
- (d) HCFC-121, also known as tetrachlorofluoroethane,
- (e) HCFC-122, also known as trichlorodifluoroethane,
- (f) HCFC-123, also known as dichlorotrifluoroethane,
- (g) HCFC-124, also known as chlorotetrafluoroethane,
- (h) HCFC-131, also known as trichlorofluoroethane,
- (i) HCFC-132, also known as dichlorodifluoroethane,
- (j) HCFC-133, also known as chlorotrifluoroethane,
- (k) HCFC-141, also known as dichlorofluoroethane,
- (l) HCFC-142, also known as chlorodifluoroethane,
- (m) HCFC-151, also known as chlorofluoroethane,
- (n) HCFC-221, also known as hexachlorofluoropropane,
- (o) HCFC-222, also known as pentachlorodifluoropropane,
- (p) HCFC-223, also known as tetrachlorotrifluoropropane,
- (q) HCFC-224, also known as trichlorotetrafluoropropane,
- (r) HCFC-226, also known as chlorohexafluoropropane,
- (s) HCFC-231, also known as pentachlorofluoropropane,
- (t) HCFC-232, also known as tetrachlorodifluoropropane,
- (u) HCFC-233, also known as trichlorotrifluoropropane,
- (v) HCFC-234, also known as dichlorotetrafluoropropane,
- (w) HCFC-235, also known as chloropentafluoropropane,
- (x) HCFC-241, also known as tetrachlorofluoropropane,

- (y) HCFC-242, also known as trichlorodifluoropropane,
- (z) HCFC-243, also known as dichlorotrifluoropropane,
- (z.1) HCFC-244, also known as chlorotetrafluoropropane,
- (z.2) HCFC-251, also known as trichlorofluoropropane,
- (z.3) HCFC-252, also known as dichlorodifluoropropane,
- (z.4) HCFC-253, also known as chlorotrifluoropropane,
- (z.5) HCFC-261, also known as dichlorofluoropropane,
- (z.6) HCFC-262, also known as chlorodifluoropropane,
- (z.7) HCFC-271, also known as chlorofluoropropane,
- (z.8) all other hydrochlorofluorocarbons not specifically listed in the preceding clauses, other than HCFC-225, also known as dichloropentafluoropropane, and
- (z.9) all mixtures containing any of the hydrochlorofluorocarbons listed in the preceding clauses.

"class 3 ozone depleting substance" means HCFC-225, also known as dichloropentafluoropropane. O. Reg. 717/94, s. 1; O. Reg. 239/01, s. 1.

2. This Regulation does not apply in relation to a solvent that contains one or more class 1 ozone depleting substances or one or more class 2 ozone depleting substances or a class 3 ozone depleting substance, if the total amount of class 1 ozone depleting substances, class 2 ozone depleting substances and class 3 ozone depleting substances in the solvent is less than 1 per cent by weight. O. Reg. 239/01, s. 2.

3. (1) On and after January 1, 1996, no person shall make a solvent that contains a class 1 ozone depleting substance. O. Reg. 717/94, s. 3 (1).

(2) On and after January 1, 1996, no person shall use or transfer a solvent that was made after 1995 and that contains a class 1 ozone depleting substance. O. Reg. 717/94, s. 3 (2).

(3) On and after July 1, 1996, no person shall discharge into the natural environment a solvent that contains a class 1 ozone depleting substance. O. Reg. 717/94, s. 3 (3).

(4) On and after July 1, 1996, no person shall use or transfer a solvent that contains a class 1 ozone depleting substance. O. Reg. 717/94, s. 3 (4).

(5) On and after July 1, 1998, no person shall store a solvent that contains a class 1 ozone depleting substance. O. Reg. 717/94, s. 3 (5).

(6) A person who, on July 1, 1996, stores a solvent that contains a class 1 ozone depleting substance, shall prepare, by August 15, 1996, a report on the storage including,

- (a) the name of the solvent;
- (b) the quantity of the solvent;
- (c) a description of the storage container;

(d) a statement of where the storage container is being kept and whether it is being kept indoors or outdoors;

(e) the safety and security measures in place; and

(f) any steps the person has taken or plans the person has regarding disposal or other disposition of the solvent. O. Reg. 717/94, s. 3 (6).

(7) A person who, during the period beginning July 2, 1996 and ending June 30, 1997, stores a solvent that contains a class 1 ozone depleting substance, shall prepare, by August 15, 1997, a report on the storage including the information described in clauses (6) (a) to (f). O. Reg. 717/94, s. 3 (7).

(8) A person who, during the period beginning July 1, 1997 and ending June 30, 1998, stores a solvent that contains a class 1 ozone depleting substance, shall prepare, by August 15, 1998, a report on the storage including the information described in clauses (6) (a) to (f). O. Reg. 717/94, s. 3 (8).

(9) On and after July 1, 2001, no person shall discharge into the natural environment a solvent that contains a class 2 ozone depleting substance. O. Reg. 694/00, s. 1 (1).

(10) On and after July 1, 2001, no person shall make, use or transfer a solvent that contains a class 2 ozone depleting substance. O. Reg. 694/00, s. 1 (1).

(11) On and after January 1, 2003, no person shall store a solvent that contains a class 2 ozone depleting substance. O. Reg. 636/99, s. 1.

(12) A person who, on July 1, 2001, stores a solvent that contains a class 2 ozone depleting substance, shall prepare, by August 15, 2001, a report on the storage including the information described in clauses (6) (a) to (f). O. Reg. 694/00, s. 1 (2).

(13) A person who, during the period beginning July 2, 2001 and ending December 31, 2001, stores a solvent that contains a class 2 ozone depleting substance, shall prepare, by February 15, 2002, a report on the storage including the information described in clauses (6) (a) to (f). O. Reg. 694/00, s. 1 (2).

(14) A person who, during the calendar year 2002, stores a solvent that contains a class 2 ozone depleting substance, shall prepare, by February 15, 2003, a report on the storage including the information described in clauses (6) (a) to (f). O. Reg. 636/99, s. 1.

(14.1) On and after January 1, 2009, no person shall discharge into the natural environment a solvent that contains a class 3 ozone depleting substance. O. Reg. 239/01, s. 3 (1).

(14.2) On and after January 1, 2009, no person shall make, use or transfer a solvent that contains a class 3 ozone depleting substance. O. Reg. 239/01, s. 3 (1).

(14.3) On and after January 1, 2011, no person shall store a solvent that contains a class 3 ozone depleting substance. O. Reg. 239/01, s. 3 (1).

(14.4) A person who, between July 1, 2001 and December 31, 2008, inclusive, uses a solvent that contains a class 3 ozone depleting substance shall prepare and submit to the Director, no later than February 15 in each year, commencing in 2002 and ending in 2009, an annual report for the previous year setting out,

(a) the location where the solvent was used, including the name and address of the facility;

(b) the amount of solvent purchased and used;

(c) the measures taken to reduce emissions of the solvent; and

(d) the review undertaken of available emission reduction technologies relevant to the uses of the solvent. O. Reg. 239/01, s. 3 (1).

(14.5) A person who, between January 1, 2009 and December 31, 2010, inclusive, stores a solvent that contains a class 3 ozone depleting substance shall prepare a report on storage by February 15, 2009 and by the same date in each subsequent year until February 15, 2011 and the report shall include the information described in clauses (6) (a) to (f). O. Reg. 239/01, s. 3 (1).

(15) A person required by this section to prepare a report on storage shall ensure that a copy of the report is kept for at least two years after the date by which the report was required to be prepared, at the premises where the storage takes place. O. Reg. 239/01, s. 3 (2).

(16) A person required by this section to prepare a report on storage shall provide a copy of the report to the Director within five business days of the Director requesting it. O. Reg. 239/01, s. 3 (2).

(17) Nothing in this section prohibits or restricts the transfer of a solvent that has become waste and that contains a class 1, class 2 or class 3 ozone depleting substance to a waste management system or waste disposal site operating under a certificate of approval or provisional certificate of approval that authorizes the acceptance of such waste. O. Reg. 239/01, s. 3 (2).

(18) Nothing in this section prohibits or restricts the storage of a solvent that has become waste and that contains a class 1, class 2 or class 3 ozone depleting substance at a waste disposal site operating under a certificate of approval or provisional certificate of approval that authorizes the storage of such waste. O. Reg. 239/01, s. 3 (2).

4. (1) The following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 1, class 2 or class 3 ozone depleting substance and that has become waste, whether through use, contamination or otherwise. O. Reg. 717/94, s. 4 (1); O. Reg. 239/01, s. 4 (1).

(2) On and after July 1, 1996, the following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 1 ozone depleting substance. O. Reg. 717/94, s. 4 (2).

(3) On and after July 1, 2001, the following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 2 ozone depleting substance. O. Reg. 717/94, s. 4 (3); O. Reg. 636/99, s. 2 (1); O. Reg. 694/00, s. 2 (1).

(3.1) On and after January 1, 2009, the following is designated a hazardous waste under Part V of the Act:

1. A solvent that contains a class 3 ozone depleting substance. O. Reg. 239/01, s. 4 (2).

(4) Regulation 347 of the Revised Regulations of Ontario, 1990 applies to a material that is designated a hazardous waste by this section as if the material was a hazardous waste and a subject waste within the meaning of that Regulation. O. Reg. 717/94, s. 4 (4).

(5) Subject to subsections (6) and (8), the reporting requirements of section 3 of this Regulation are in addition to the generator registration requirements of section 18 of Regulation 347 of the Revised Regulations of Ontario, 1990. O. Reg. 717/94, s. 4 (5).

(6) During the period beginning July 1, 1996 and ending June 30, 1998, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a solvent that contains a class 1 ozone depleting substance if the solvent was made at the storage site, used at the storage site or stored at the storage site before July 1, 1996. O. Reg. 717/94, s. 4 (6).

(7) The exemption under subsection (6) ceases to apply to a site on the first day after June 30, 1996 on which there is no solvent that contains a class 1 ozone depleting substance present at the site. O. Reg. 717/94, s. 4 (7).

(8) During the period beginning July 1, 2001 and ending December 31, 2002, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a solvent that contains a class 2 ozone depleting substance if the solvent was made at the storage site, used at the storage site or stored at the storage site before July 1, 2001. O. Reg. 694/00, s. 2 (2).

(9) The exemption under subsection (8) ceases to apply in relation to a site on the first day after June 30, 2001 on which there is no solvent that contains a class 2 ozone depleting substance present at the site. O. Reg. 694/00, s. 2 (2).

(10) From January 1, 2009 to December 31, 2010, inclusive, section 27 of the Act and subsection 18 (10) of Regulation 347 of the Revised Regulations of Ontario, 1990 do not apply to storage of a solvent that contains a class 3 ozone depleting substance if the solvent was made at the storage site, used at the storage site or stored at the storage site before January 1, 2009. O. Reg. 239/01, s. 4 (2).

(11) The exemption under subsection (10) ceases to apply to a site on the first day after December 31, 2008 on which there is no solvent that contains a class 3 ozone depleting substance present at the site. O. Reg. 239/01, s. 4 (2).

5. (1) Section 3, other than subsections (3), (9) and (14.1), does not apply to,

(a) use of a solvent that contains a class 1, class 2 or class 3 ozone depleting substance in an experimental or research laboratory for purposes related to the study of ozone depleting substances, replacements for them, or the characteristics or performance of the ozone layer in the stratosphere;

(b) use of a class 1, class 2 or class 3 ozone depleting substance having a purity of 99.0 per cent or higher in a laboratory as an extraction solvent for conducting specific chemical analyses, where no reasonable alternative exists;

(c) use of a solvent that contains a class 1, class 2 or class 3 ozone depleting substance in a process in which the solvent is converted to another material that does not contain a class 1, class 2 or class 3 ozone depleting substance; or

(d) the generation of a solvent that contains a class 1, class 2 or class 3 ozone depleting substance as part of a process that goes on to convert the solvent to another material that does not contain a class 1, class 2 or class 3 ozone depleting substance. O. Reg. 239/01, s. 5.

(2) Section 3, other than subsections (3), (9) and (14.1), does not apply to a solvent that contains a class 1, class 2 or class 3 ozone depleting substance and that is being stored or transferred for a use mentioned in subsection (1). O. Reg. 239/01, s. 5.

(3) Section 4 does not apply to a solvent that contains a class 1, class 2 or class 3 ozone depleting substance and that is being used in accordance with subsection (1) or that is being stored or transferred for such use. O. Reg. 239/01, s. 5.