

CONFIDENTIAL
Until filed with the
Registrar of Regulations

REGISTRAR OF REGULATIONS	
Filed as O. Reg.	245/11
On	JUN 14 2011
Proposed source law publication dates:	
O-Laws	June 16/11
Ontario Gazette	July 2/11

Bilingual

reg2010.0601.e
21-JSG

ONTARIO REGULATION

made under the

ENVIRONMENTAL PROTECTION ACT

PREScribed ACTIVITIES AND THE ENVIRONMENTAL ACTIVITY AND SECTOR REGISTRY — HEATING SYSTEMS, STANDBY POWER SYSTEMS AND AUTOMOTIVE REFINISHING

Skip Table of Contents

CONTENTS

PART I INTERPRETATION

1. Interpretation

PART II REGISTRATION

2. Registration
3. Updating of filed information

PART III HEATING SYSTEMS

4. Interpretation
5. Prescribed activities, s. 20.21 (1) of the Act
6. Registration exemptions, s. 20.21 (1) (a) and (b) of the Act
7. Activity requirements, s. 20.21 (1) (c) of the Act
8. Records
9. Periodic updating of registration
10. Prescribed date approval ceases to have effect

PART IV STANDBY POWER SYSTEMS

11. Interpretation
12. Prescribed activities, s. 20.21 (1) of the Act
13. Registration exemptions, s. 20.21 (1) (a) and (b) of the Act
14. Activity requirements, s. 20.21 (1) (c) of the Act
15. Records
16. Periodic updating of registration
17. Prescribed date approval ceases to have effect

PART V AUTOMOTIVE REFINISHING

18. Interpretation
19. Prescribed activities, s. 20.21 (1) of the Act

- 20. Registration exemptions, s. 20.21 (1) (a) and (b) of the Act
- 21. Activity requirements, s. 20.21 (1) (c) of the Act
- 22. Records
- 23. Periodic updating of registration
- 24. Prescribed date approval ceases to have effect

**PART VI
COMMENCEMENT**

- 25. Commencement

**PART I
INTERPRETATION**

Interpretation

1. In this Regulation,

“Registry” means the Environmental Activity and Sector Registry, established under Part II.2 of the Act.

**PART II
REGISTRATION**

Registration

2. (1) A person who engages or proposes to engage in an activity prescribed for the purposes of subsection 20.21 (1) of the Act may register the activity by filing information in the Registry using the electronic registration system available on the Internet through the Ministry’s website.

(2) The information filed in the Registry under subsection (1) shall include the following information:

1. The contact information of the person who is engaging in or who proposes to engage in the activity.
2. Information about the activity.
3. Information about the site at which the person is engaging in or proposes to engage in the activity.
4. Any additional information required by the Director.

(3) One of the following persons shall, using the electronic registration system, certify that the information filed in the Registry under subsection (1) is complete and accurate:

1. If the person engaging in the activity is an individual, the person engaging in the activity.
2. If the person engaging in the activity is a corporation, an officer or director of or a person who has authority to bind the corporation.

3. If the person engaging in the activity is a partnership,
 - i. an individual who is a partner in the partnership, or
 - ii. an officer or director of or person who has authority to bind a corporation that is a partner in the partnership.

Updating of filed information

3. (1) For the purposes of clause 20.22 (2) (a) of the Act, if a person who engages in an activity registered under section 2 becomes aware that any information filed in the Registry is no longer complete or accurate, the person shall ensure that complete and accurate information is filed in the Registry, using the electronic registration system available on the Internet through the Ministry's website, within 30 days after the day the person becomes aware that the information is no longer complete or accurate.

(2) A person authorized to provide certification under subsection 2 (3) shall, using the electronic registration system, certify that the information filed under subsection (1) is complete and accurate.

PART III HEATING SYSTEMS

Interpretation

4. For the purposes of this Part,

"heating system" means any apparatus or mechanism, and any related fuel tanks, piping, ducts, vents, equipment or other thing, that is used to produce heat or to supply that heat to the interior of a building or structure for the comfort of occupants, for the maintenance of the building or structure, for the provision of a suitable temperature for materials, plant or animal life or for heating water for domestic purposes, and includes an HVAC system; ("système de chauffage")

"HVAC system" means a heating, ventilation and air-conditioning system. ("système CVCA")

Prescribed activities, s. 20.21 (1) of the Act

5. (1) The following are prescribed activities for the purposes of subsection 20.21 (1) of the Act:

1. Subject to subsection (3), the use, operation, construction, alteration, extension or replacement of a heating system that meets the criteria set out in subsection (2) and that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water.

2. The alteration of a process or rate of production with respect to a heating system that meets the criteria set out in subsection (2) if the alteration may result in,
 - i. a contaminant being discharged into any part of the natural environment other than water, or
 - ii. the rate or manner of discharge of a contaminant into any part of the natural environment other than water being altered.

(2) The criteria referred to in subsection (1) with respect to a heating system are the following:

1. The heating system uses only one or more of the following as fuel:
 - i. Natural gas.
 - ii. Propane.
2. The heating system includes one or more combustion units.
3. The thermal input rating of each combustion unit that is part of the heating system is not greater than 10.5 million kilojoules per hour.
4. The total thermal input rating of all of the combustion units in the heating system is greater than 1.58 million kilojoules per hour.
5. The wastewater from the heating system, if any,
 - i. is transferred to a waste management system that is subject to an environmental compliance approval,
 - ii. is discharged to a sewage works that is subject to an environmental compliance approval, or
 - iii. is discharged to a municipal sanitary sewer.

(3) Any activities relating to the construction of a heating system that are carried out at a site other than the building or structure at which the heating system is intended to be used are not prescribed activities for the purposes of subsection 20.21 (1) of the Act.

(4) This section does not apply to the following heating systems:

1. A ground source heat pump as defined in Ontario Regulation 177/98 (Ground Source Heat Pumps) made under the Act.

2. A heating system that is associated with a building or structure that contains one or more dwellings and is used by the occupants of not more than three dwellings in the building or structure.
3. A heating system that is used in agriculture.
4. A heating system that also provides heat used in an industrial or manufacturing process.
5. A heating system that derives its heat from an industrial or manufacturing process.
6. A heating system that is used, at the site of a building or structure, for the construction, alteration, demolition, drilling or blasting of the building or structure.
7. A heating system that is used during an outdoor entertainment, artistic or sporting event, including an outdoor festival, fair, parade, fireworks display, art show, air show or car show, but not including a race of horses, dogs or motorized or non-motorized vehicles or boats.
8. A heating system that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Management and Civil Protection Act*.
9. A heating system that is part of a large municipal residential system or a small municipal residential system, as those systems are defined in Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*.

Registration exemptions, s. 20.21 (1) (a) and (b) of the Act

6. (1) Clauses 20.21 (1) (a) and (b) of the Act do not apply to a person who engages in an activity prescribed by section 5 of this Regulation with respect to a heating system at a site if,

- (a) the person has previously registered one or more of those activities in respect of that heating system or any other heating system at that site; and
- (b) the registration is not suspended and has not been removed from the Registry.

(2) Clauses 20.21 (1) (a) and (b) of the Act do not apply to a person who engages in the alteration of a rate of production with respect to a combustion unit that is part of the heating system if the alteration results in a rate that is less than the thermal input rating of that combustion unit.

Activity requirements, s. 20.21 (1) (c) of the Act

7. For the purposes of clause 20.21 (1) (c) of the Act, a person shall not engage in an activity prescribed by section 5 of this Regulation with respect to a heating system unless each

component of the system is used, operated and maintained in a manner that satisfies the recommendations of the manufacturer of that component.

Records

8. (1) A person who engages in an activity prescribed by section 5 with respect to a heating system shall ensure that the following documents and records are accessible at the site of the system:

1. A log in which the following information is recorded with respect to inspections, maintenance or repairs of the heating system:
 - i. A record of each inspection, maintenance or repair, including the date and a summary of the inspection, maintenance or repair undertaken.
 - ii. A record of the name of the person who performed the inspection, maintenance or repair.
 - iii. If the person referred to in subparagraph ii is an employee, a record of the name of the person's employer or the name of the business that employs the person.
 - iv. A record of any unsatisfactory conditions observed or discovered and the steps taken to correct such conditions.
2. A copy of every document relating to inspections, maintenance or repairs of the heating system.
3. Documents relating to the recommendations of the manufacturer with respect to the use, operation and maintenance of each component of the heating system.
4. A log in which the following information is recorded with respect to a complaint received by the person with respect to the heating system that relates to the natural environment:
 - i. A record of the date and time each complaint was received.
 - ii. A record describing the complaint.
 - iii. A record describing the measures taken, if any, to address the complaint.
5. A copy of the complaint referred to in paragraph 4, if it is a written complaint.

(2) The person referred to in subsection (1) shall ensure that every record or document referred to in paragraphs 1, 2, 4 and 5 of subsection (1) is accessible at the site of the system for a period of five years from the day the record or document is created.

Periodic updating of registration

9. (1) For the purposes of clause 20.22 (2) (a) of the Act, on or before the fifth anniversary of the day a person receives a confirmation of registration in respect of an activity prescribed by section 5 of this Regulation and on or before every fifth anniversary thereafter, the person shall review the information contained in the Registry and, using the electronic registration system available on the Internet through the Ministry's website,

- (a) file complete and accurate information in the Registry; or
- (b) file a confirmation that the information contained in the Registry is complete and accurate.

(2) A person authorized to provide certification under subsection 2 (3) shall, using the electronic registration system, certify that the information filed under subsection (1) is complete and accurate.

Prescribed date approval ceases to have effect

10. For the purposes of clause 20.17 (b) of the Act, the fifth anniversary of the day section 5 of this Regulation comes into force is prescribed as the day on which an environmental compliance approval issued in respect of any activity to which this Part applies ceases to apply to that activity.

PART IV STANDBY POWER SYSTEMS

Interpretation

11. (1) For the purposes of this Part,

“standby power system” means any apparatus, mechanism, equipment or other thing, and any related fuel tanks and piping, that includes one or more generator units and that is intended to be used only for the provision of electrical power during power outages or involuntary power reductions.

(2) In this Part, a reference to a structure does not include a structure that is only intended to soundproof a generator unit or protect it from the elements.

Prescribed activities, s. 20.21 (1) of the Act

12. (1) The following are prescribed activities for the purposes of subsection 20.21 (1) of the Act:

1. Subject to subsection (3), the use, operation, construction, alteration, extension or replacement of a standby power system that meets the criteria set out in subsection (2) and that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water.
2. The alteration of a process or rate of production with respect to a standby power system that meets the criteria set out in subsection (2) if the alteration may result in,
 - i. a contaminant being discharged into any part of the natural environment other than water, or
 - ii. the rate or manner of discharge of a contaminant into any part of the natural environment other than water being altered.

(2) The criteria referred to in subsection (1) with respect to a standby power system are the following:

1. The standby power system uses only one or more of the following as fuel:
 - i. Biodiesel.
 - ii. Diesel.
 - iii. Natural gas.
 - iv. Propane.
2. The rated capacity of each generator unit that is part of the standby power system does not exceed 700 kilowatts.
3. The wastewater from the standby power system, if any,
 - i. is transferred to a waste management system that is subject to an environmental compliance approval,
 - ii. is discharged to a sewage works that is subject to an environmental compliance approval, or
 - iii. is discharged to a municipal sanitary sewer.

(3) Any activities relating to the construction of a standby power system that are carried out at a site other than the site at which the standby power system is intended to be used are not prescribed activities for the purposes of subsection 20.21 (1) of the Act.

(4) This section does not apply to the following standby power systems:

1. A standby power system that is used to generate electricity at a renewable energy generation facility and is operated in the circumstances described in subsection 7 (1) of Ontario Regulation 359/09 (Renewable Energy Approvals under Part V.0.1 of the Act) made under the Act.
2. A standby power system that is associated with a building or structure that contains one or more dwellings and is used by the occupants of not more than three dwellings in the building or structure.
3. A standby power system that is used in agriculture.
4. A standby power system that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Management and Civil Protection Act*.
5. A standby power system that is part of a large municipal residential system or a small municipal residential system, as those systems are defined in Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*.

Registration exemptions, s. 20.21 (1) (a) and (b) of the Act

13. (1) Clauses 20.21 (1) (a) and (b) of the Act do not apply to a person who engages in an activity prescribed by section 12 of this Regulation with respect to a standby power system at a site if,

- (a) the person has previously registered one or more of those activities in respect of that standby power system or any other standby power system at that site; and
- (b) the registration is not suspended and has not been removed from the Registry.

(2) Clauses 20.21 (1) (a) and (b) of the Act do not apply to a person who engages in the alteration of a rate of production with respect to a generator unit that is part of the standby power system if the alteration results in an output from the generator unit that is less than the rated capacity of the generator unit.

Activity requirements, s. 20.21 (1) (c) of the Act

14. (1) For the purposes of clause 20.21 (1) (c) of the Act, a person shall not engage in an activity prescribed by section 12 of this Regulation with respect to a standby power system unless,

- (a) each component of the system is used, operated and maintained in a manner that satisfies the recommendations of the manufacturer with respect to that component of the system;

- (b) the system is used and operated only for the provision of electrical power during power outages or involuntary power reductions or for testing or performing maintenance on the system in accordance with subsection (2);
- (c) subject to subsection (3), the exhaust stacks that discharge contaminants, other than noise, from the system into the air are oriented vertically and are free of any impediments that would prevent the flow of the emissions;
- (d) subject to subsection (4), each generator unit that is part of the system is specified by the manufacturer to, at a minimum, conform to the Tier 1 Emission Standards set out in Table 1 of the United States Environmental Protection Agency 40 CFR 89.112;
- (e) subject to subsection (4), if a generator unit that is part of the system is located outside a building or structure, measures have been taken to provide sufficient sound attenuation to reduce the sound from the generator unit to a maximum sound level of,
 - (i) 70 decibels (A-weighted) at a distance of seven metres from the generator unit, if the generator unit has a rated capacity of 150 kilowatts or less, or
 - (ii) 75 decibels (A-weighted) at a distance of seven metres from the generator unit, if the generator unit has a rated capacity of more than 150 kilowatts; and
- (f) subject to subsection (4), if a generator unit that is part of the system is located inside a building or structure,
 - (i) sound attenuation measures are installed in the cooling air intake and exhaust openings in the room housing the generator unit that are capable of providing sufficient sound attenuation to reduce the sound from the openings by not less than the insertion loss levels set out in Table 1 of this subsection for the octave band centre frequency,
 - (ii) the generator unit's engine combustion exhaust muffler is capable of providing sufficient sound attenuation to reduce the sound from the exhaust stack by not less than the insertion loss levels set out in Table 2 of this subsection for the octave band centre frequency, and
 - (iii) all external doors to the room housing the generator unit are set in a door jamb fitted with dual solid neoprene gaskets along the perimeter, are capable of providing a minimum sound transmission class rating of 35, measured in accordance with the standards set out in Sentence 5.9.1.1.(1) of Ontario Regulation 350/06 (Building Code) made under the *Building Code Act, 1992*, and are composed of,
 - (A) solid slab wood of a minimum thickness of 50 millimetres, or

(B) steel skin with a glass fibre insulated core.

TABLE 1
SOUND REDUCTION FROM COOLING AIR INTAKE AND EXHAUST OPENINGS

Item	Column 1	Column 2
	Octave band centre frequency (Hertz)	Insertion loss (decibels)
1.	125	10
2.	250	12
3.	500	14
4.	1000	15
5.	2000	15
6.	4000	15

TABLE 2
SOUND REDUCTION FROM ENGINE COMBUSTION EXHAUST STACKS

Item	Column 1	Column 2
	Octave band centre frequency (Hertz)	Insertion loss (decibels)
1.	125	23
2.	250	29
3.	500	30
4.	1000	28
5.	2000	22
6.	4000	21

(2) For the purposes of clause (1) (b), testing or performing maintenance on the standby power system must meet the following requirements:

1. The system is used and operated for the purpose of testing or performing maintenance for a maximum of 60 hours in any 12-month period.
2. The system is used and operated for the purpose of testing or performing maintenance only between the hours of 7 a.m. and 7 p.m.
3. When the system is used and operated for the purpose of testing or performing maintenance, the air intakes, doors and windows of any buildings or structures located on the same site as the system are closed if doing so will reduce the likelihood of emissions from the system entering the building or structure.
4. If more than one generator unit is part of the system, only one unit is used and operated at any time for the purpose of testing or performing maintenance.
5. If the Ministry issues a smog advisory that identifies an area in which the system is located, the system is not used or operated for the purpose of testing or performing maintenance until a termination notice with respect to the advisory has been issued for that area.

(3) If a standby power system is subject to an environmental compliance approval, clause (1) (c) does not apply to an exhaust stack that was part of the system at the time the approval was issued, unless a change has been made to the stack since that time.

(4) If a standby power system is subject to an environmental compliance approval, clauses (1) (d), (e) and (f) do not apply to a generator unit that was part of the system at the time the approval was issued.

Records

15. (1) A person who engages in an activity prescribed by section 12 with respect to a standby power system shall ensure that the following documents and records are accessible at the site of the system:

1. A log in which the following information is recorded with respect to testing, use, operation, inspections, maintenance or repairs with respect to the standby power system:
 - i. A record of the date and time each generator unit that is part of the system is tested and the duration of the test.
 - ii. A record of the date and time the system is used or operated, the reason it is used or operated and the duration of the use or operation.
 - iii. A record of each inspection, maintenance or repair of the system, including the date and a summary of the inspection, maintenance or repair undertaken.
 - iv. A record of the name of the person who performed the test, inspection, maintenance or repair of the system.
 - v. If the person referred to in subparagraph iv is an employee, a record of the name of the person's employer or the name of the business that employs the person.
 - vi. A record of any unsatisfactory conditions observed or discovered and the steps taken to correct such conditions.
2. A copy of every document relating to testing, inspections, maintenance or repairs of the standby power system.
3. Documents relating to the recommendations of the manufacturer with respect to the use, operation and maintenance of each component of the standby power system.
4. If a generator unit or any measures or equipment related to a generator unit described in clause 14 (1) (d), (e) or (f) are used at the site of the system, copies of documents

provided by the manufacturer that specify that the unit, measures or equipment meet the requirements set out in those clauses.

5. A log in which the following information is recorded with respect to a complaint received by the person with respect to the standby power system that relates to the natural environment:
 - i. A record of the date and time each complaint was received.
 - ii. A record describing the complaint.
 - iii. A record describing the measures taken, if any, to address the complaint.
6. A copy of the complaint referred to in paragraph 5, if it is a written complaint.

(2) The person referred to in subsection (1) shall ensure that every record or document that is referred to in paragraphs 1, 2, 5 and 6 of subsection (1) is accessible at the site of the standby power system for a period of five years from the day the record or document is created.

Periodic updating of registration

16. (1) For the purposes of clause 20.22 (2) (a) of the Act, on or before the fifth anniversary of the day a person receives a confirmation of registration in respect of an activity prescribed by section 12 of this Regulation and on or before every fifth anniversary thereafter, the person shall review the information contained in the Registry and, using the electronic registration system available on the Internet through the Ministry's website,

- (a) file complete and accurate information in the Registry; or
- (b) file a confirmation that the information contained in the Registry is complete and accurate.

(2) A person authorized to provide certification under subsection 2 (3) shall, using the electronic registration system, certify that the information filed under subsection (1) is complete and accurate.

Prescribed date approval ceases to have effect

17. For the purposes of clause 20.17 (b) of the Act, the fifth anniversary of the day section 12 of this Regulation comes into force is prescribed as the day on which an environmental compliance approval issued in respect of any activity to which this Part applies ceases to apply to that activity.

PART V AUTOMOTIVE REFINISHING

Interpretation

18. For the purposes of this Part,

“automotive refinishing” means the application of coating on or the repair or customization of a motor vehicle body or parts of a motor vehicle body and the repair or customization of the interior of a motor vehicle; (“finition automobile”)

“automotive refinishing facility” means a facility where automotive refinishing is done; (“installation de finition automobile”)

“coating” means a product that forms a film when it is applied to a surface for a protective or any other refinishing purpose, but does not include a product used to carry out metal plating; (“revêtement”)

“coating application rate” means the number of litres of coating sprayed in a one-hour period; (“taux d’application de revêtement”)

“electrostatic spraying” means a method of applying an electrically charged coating to an object where the coating is attracted to the object by the electrostatic potential between it and the object; (“pulvérisation électrostatique”)

“facility-wide coating application rate” means the total of the coating application rates from all coating spray sources at an automotive refinishing facility; (“taux d’application de revêtement à l’échelle de l’installation”)

“HVLP spray equipment” means equipment,

- (a) that bears a permanent label identifying the equipment as HVLP spray equipment,
- (b) that is used to apply coating at a high volume and under low pressure, and
- (c) that is designed and operated with an atomizing air pressure between 0.1 and 10 pounds per square inch, as measured at the centre of the air cap and the centre of the air cap horns; (“équipement de pulvérisation HVBP”)

“noise receptor” means a permanent or seasonal residence, hotel, motel, long-term care home, retirement home, hospital, camp ground, child care facility, educational facility or place of worship and includes a location on a vacant lot that has been zoned to permit such a building and at which a building would reasonably be expected to be located; (“récepteur de bruit”)

“spray booth” means a structure used for coating operations by spray application and incorporating the capability of entrapping and capturing coating overspray; (“cabine de pulvérisation”)

“transfer efficiency” means the ratio, expressed as a percentage, of the amount of coating transferred to the surface of the motor vehicle or a part of the motor vehicle to the total amount of coating sprayed. (“efficacité de transfert”)

Prescribed activities, s. 20.21 (1) of the Act

19. (1) The following are prescribed activities for the purposes of subsection 20.21 (1) of the Act:

1. Subject to subsection (3), the use, operation, construction, alteration, extension or replacement of any structure, equipment, apparatus, mechanism or thing that is used in an automotive refinishing facility that meets the criteria set out in subsection (2) for the purposes of automotive refinishing and that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water.
2. The alteration of a process or rate of production with respect to any structure, equipment, apparatus, mechanism, or thing that is used in an automotive refinishing facility that meets the criteria set out in subsection (2) for the purposes of automotive refinishing if the alteration may result in,
 - i. a contaminant being discharged into any part of the natural environment other than water, or
 - ii. the rate or manner of discharge of a contaminant into any part of the natural environment other than water being altered.

(2) The criteria referred to in subsection (1) with respect to an automotive refinishing facility are the following:

1. If the facility is located in a building that is wholly occupied by the facility, the facility has at least one and not more than three spray booths and does not exceed a facility-wide coating application rate of six litres per hour under normal operation.
2. If the facility is located in a building that contains more than one unit, at least one of which is not occupied by the facility, the facility has only one spray booth and does not exceed a facility-wide coating application rate of two litres per hour under normal operation.
3. For each of the facility’s spray booths, the distance, measured horizontally, between the following two points is not less than the minimum setback distance set out in

Table 1 of this subsection for the facility's facility-wide coating application rate under normal operation:

- i. The centre of the spray booth's exhaust stack.
 - ii. The point on the facility's property line that is nearest to the centre of the spray booth's exhaust stack.
4. If the facility contains one or more spray booths that are served by fans that are indoors, for each of the spray booths one of the following criteria is satisfied:
 - i. The distance, measured horizontally, between the following two points is not less than the minimum setback distance set out in Table 2 of this subsection for the number of spray booths in the facility:
 - A. The centre of the spray booth's exhaust stack.
 - B. The point nearest the spray booth's exhaust stack that is on the property line of a noise receptor.
 - ii. Acoustic barriers that have a density of at least 12 kilograms per square metre are installed that block the direct line of sight between the spray booth's exhaust stack and every noise receptor in respect of which the distance, measured horizontally, between the following two points is less than the minimum setback distance set out in Table 2 of this subsection for the number of spray booths in the facility:
 - A. The centre of the spray booth's exhaust stack.
 - B. The point nearest the spray booth's exhaust stack that is on the property line of a noise receptor.
5. If the facility contains one or more spray booths that are served by fans that are outdoors, for each of the outdoor fans one of the following criteria is satisfied:
 - i. The distance, measured horizontally, between the following two points is not less than the minimum setback distance set out in Table 3 of this subsection for the number of spray booths in the facility:
 - A. The outdoor fan.
 - B. The point nearest the outdoor fan that is on the property line of a noise receptor.

- ii. Acoustic barriers that have a density of at least 12 kilograms per square metre are installed that block the direct line of sight between the outdoor fan and every noise receptor in respect of which the distance, measured horizontally, between the following two points is less than the minimum setback distance set out in Table 3 of this subsection for the number of spray booths in the facility:
 - A. The outdoor fan.
 - B. The point nearest the outdoor fan that is on the property line of a noise receptor.
6. The wastewater from the facility, if any,
- i. is transferred to a waste management system that is subject to an environmental compliance approval,
 - ii. is discharged to a sewage works that is subject to an environmental compliance approval, or
 - iii. is discharged to a municipal sanitary sewer.
7. If the facility is located in an area of development control within the Niagara Escarpment Planning Area, the person engaging in the prescribed activity has obtained any development permit required under section 24 of the *Niagara Escarpment Planning and Development Act* and, if a permit has been issued, ensured that the requirements of this Regulation are not in conflict with any conditions of the permit.

TABLE 1
MINIMUM SETBACK FROM FACILITY'S PROPERTY LINE

Item	Column 1	Column 2
	Facility-wide coating application rate under normal operation	Minimum setback distance
1.	≤ 2 litres per hour	No setback required
2.	> 2 to ≤ 3 litres per hour	20 metres
3.	> 3 to ≤ 4 litres per hour	38 metres
4.	> 4 to ≤ 5 litres per hour	55 metres
5.	> 5 to ≤ 6 litres per hour	75 metres

TABLE 2
MINIMUM SETBACK FROM NOISE RECEPTOR'S PROPERTY LINE — INDOOR FANS

Item	Column 1	Column 2
	Number of spray booths in the facility	Minimum setback distance
1.	1	40 metres
2.	2	55 metres
3.	3	75 metres

TABLE 3
MINIMUM SETBACK FROM NOISE RECEPTOR'S PROPERTY LINE — OUTDOOR FANS

Item	Column 1	Column 2
	Number of spray booths in the facility	Minimum setback distance
1.	1	60 metres
2.	2	85 metres
3.	3	120 metres

(3) Any activities relating to the construction of a structure, equipment, apparatus, mechanism or thing that is used in an automotive refinishing facility for the purposes of automotive refinishing that are carried out at a site other than the automotive refinishing facility are not prescribed activities for the purposes of subsection 20.21 (1) of the Act.

(4) This section does not apply to the following automotive refinishing facilities:

1. A facility that manufactures motor vehicles or motor vehicle parts.
2. A facility that is primarily engaged in the replacement and repair of glass with respect to motor vehicles.
3. A facility that is primarily engaged in the repair of mechanical or electrical components of motor vehicles.
4. A mobile refinishing facility.
5. A facility that controls the emissions from a spray booth using water wash filtration.

Registration exemptions, s. 20.21 (1) (a) and (b) of the Act

20. (1) Clauses 20.21 (1) (a) and (b) of the Act do not apply to a person who engages in an activity prescribed by section 19 of this Regulation with respect to automotive refinishing at an automotive refinishing facility if,

- (a) the person has previously registered one or more of those activities at that automotive refinishing facility; and
- (b) the registration is not suspended and has not been removed from the Registry.

(2) Clauses 20.21 (1) (a) and (b) of the Act do not apply to a person who engages in the alteration of a rate of production with respect to any structure, equipment, apparatus, mechanism or thing that is used in an automotive refinishing facility for the purposes of automotive refinishing if the alteration results in a facility-wide coating application rate under normal operation that is less than the rate set out in Table 1 of subsection 19 (2) for the minimum

setback distance, measured horizontally, between the centre of each of the facility's spray booth exhaust stacks and the point of the facility's property line that is nearest to the stack.

Activity requirements, s. 20.21 (1) (c) of the Act

21. (1) For the purposes of clause 20.21 (1) (c) of the Act, a person shall not engage in an activity prescribed by section 19 of this Regulation with respect to automotive refinishing at an automotive refinishing facility unless,

- (a) the facility's spray booth filtration systems, coating application equipment, spray booths and other associated equipment are used, operated and maintained in a manner that satisfies the recommendations of the manufacturers of the systems, booths or equipment;
- (b) the coatings that are used at the facility,
 - (i) meet the requirements of the Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations, SOR-2009/197 made under the *Canadian Environmental Protection Act, 1999*, as amended from time to time,
 - (ii) are only applied within a spray booth,
 - (iii) are only applied between the hours of 7 a.m. and 7 p.m.,
 - (iv) are, with respect to being water-based or solvent-based, kept separate while stored or used and are not mixed together when disposed of, and
 - (v) are only applied by use of one of the following pieces of equipment:
 - (A) HVLP spray equipment that is identified by the manufacturer as having a minimum transfer efficiency of 65 per cent,
 - (B) electrostatic spraying equipment,
 - (C) any other coating application equipment that is accompanied by documentation from the manufacturer that states the equipment has a minimum transfer efficiency of 65 per cent;
- (c) subject to subsection (2), the facility's spray booth exhaust stacks are vertical with no flow impediments and discharge at a velocity of not less than 12 metres per second;
- (d) subject to subsection (2), the minimum height, above ground, of each of the facility's spray booth exhaust stacks is,

- (i) if the height of the building is completely uniform, at least 1.5 times the height of the building,
 - (ii) if the height of the building is not completely uniform, at least 1.5 times the height of the building where the stack is located and at least as high as the highest point of the building;
- (e) all the intake or exhaust fans related to the facility's spray booths are used and operated only between the hours of 7 a.m. and 7 p.m.;
- (f) the facility's spray booths are equipped with filters that are specified by the manufacturer to remove at least 95 per cent of particles from the spray booth exhaust stack's emissions;
- (g) the facility-wide coating application rate does not exceed the rate set out in Table 1 of subsection 19 (2) for the minimum setback distance with respect to the distance, measured horizontally, between the centre of each of the facility's spray booth exhaust stacks and the point on the facility's property line that is nearest to the stack;
- (h) any structure, equipment, apparatus, mechanism or thing that is used or operated in the facility for the purpose of sanding, grinding or buffing of motor vehicles or motor vehicle parts is only used or operated if all doors to the facility are closed, except to allow for the normal ingress and egress of vehicles and personnel; and
- (i) the person engaging in the activity or the manager of the facility if the person engaging in the activity does not manage the facility, and all personnel engaged in the use of coatings at the facility, receive training in accordance with section 4.3 of the Canadian Council of Ministers of the Environment publication entitled *National Standards and Guidelines for the Reduction of Volatile Organic Compounds from Canadian Commercial/Industrial Surface Coatings Operations - Automotive Refinishing*, dated October 1998, as amended from time to time and available on the Council's website.

(2) If an environmental compliance approval applies to an automotive refinishing facility, clauses (1) (c) and (d) do not apply to a spray booth exhaust stack that was part of the facility at the time the approval was issued, unless a change has been made to the exhaust stack or the spray booth has been replaced since that time.

Records

22. (1) A person who engages in an activity prescribed by section 19 with respect to an automotive refinishing facility shall ensure that the following documents and records are accessible at the facility:

1. A log in which the following information is recorded with respect to each of the automotive refinishing facility's spray booths:
 - i. A record of the name of the manufacturer and the model number, if any, of the spray booth.
 - ii. A record of the name of the manufacturer and model number, if any, of all spray equipment.
 - iii. A record of the name of the manufacturer and model number, if any, of all spray booth exhaust filtration systems.
 - iv. A record of the name of the manufacturer, model number, if any, and rating in cubic metres per second of all spray booth exhaust fans.
2. A log in which the following information is recorded with respect to each coating application at the automotive refinishing facility:
 - i. A record of the date, time and duration of the application.
 - ii. A record of the name and manufacturer of each coating used in the application.
 - iii. A record of an estimate in litres of each coating used in the application.
3. A log in which the following information is recorded with respect to inspections, maintenance or repairs of any structure, equipment, apparatus, mechanism or thing that is used in the automotive refinishing facility for the purposes of automotive refinishing:
 - i. A record of each inspection, maintenance or repair, including the date and a summary of the inspection, maintenance or repair undertaken.
 - ii. A record of the name of the person who performed the inspection, maintenance or repair.
 - iii. If the person referred to in subparagraph ii is an employee, a record of the name of the person's employer or the name of the business that employs the person.
 - iv. A record of any unsatisfactory conditions observed or discovered and the steps taken to correct such conditions.

4. A copy of every document relating to inspections, maintenance or repairs of any structure, equipment, apparatus, mechanism or thing that is used in the automotive refinishing facility for the purposes of automotive refinishing.
5. Documents relating to the recommendations of the manufacturer with respect to the use, operation and maintenance of any structure, equipment, apparatus, mechanism, or thing that is used in the automotive refinishing facility for the purposes of automotive refinishing.
6. A document containing a list of the persons responsible for the use, operation and maintenance of the facility and the training, including the course name and date, undertaken by each person who has received training referred to in clause 21 (1) (i).
7. If any equipment described in sub-subclause 21 (1) (b) (v) (A) or (C) is used at the facility, copies of documents provided by the manufacturer that specify the transfer efficiency of the equipment.
8. A log in which the following information is recorded with respect to a complaint received by the person with respect to the automotive refinishing facility that relates to the natural environment:
 - i. A record of the date and time each complaint was received.
 - ii. A record describing the complaint.
 - iii. A record describing the measures taken, if any, to address the complaint.
9. A copy of the complaint referred to in paragraph 8, if it is a written complaint.

(2) The person referred to in subsection (1) shall ensure that every document or record that is referred to in paragraphs 2 to 4, 6, 8 and 9 of subsection (1) is accessible at the site of the automotive refinishing facility for a period of five years from the day the record or document is created.

Periodic updating of registration

23. (1) For the purposes of clause 20.22 (2) (a) of the Act, on or before the first anniversary of the day a person receives a confirmation of registration in respect of an activity prescribed by section 19 of this Regulation and on or before every anniversary thereafter, the person shall review the information contained in the Registry and, using the electronic registration system available on the Internet through the Ministry's website,

- (a) file complete and accurate information in the Registry; or

- (b) file a confirmation that the information contained in the Registry is complete and accurate.

(2) A person authorized to provide certification under subsection 2 (3) shall, using the electronic registration system, certify that the information filed under subsection (1) is complete and accurate.

Prescribed date approval ceases to have effect

24. For the purposes of clause 20.17 (b) of the Act, the fifth anniversary of the day section 19 of this Regulation comes into force is prescribed as the day on which an environmental compliance approval issued in respect of any activity to which this Part applies ceases to apply to that activity.

**PART VI
COMMENCEMENT**

Commencement

25. This Regulation comes into force on the later of the day subsection 2 (1) of Schedule 7 to the *Open for Business Act, 2010* comes into force and the day it is filed.