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ONTARIO REGULATION
made under the
ENVIRONMENTAL BILL OF RIGHTS, 1993
Amending O. Reg. 681/94
(Classification of Proposals for Instruments)

Note: Ontario Regulation 681/94 has previously been amended. For the legislative history of the Regulation, see the Table of Consolidated Regulations – Detailed Legislative History at www.e-Laws.gov.on.ca.

1. (1) Subsection 2 (1) of Ontario Regulation 681/94 is revoked.
- (2) Paragraph 1 of subsection 2 (2) of the Regulation is revoked and the following substituted:
 1. A proposal for an order under subsection 20.23 (2) of the *Environmental Protection Act*, if the order is on the grounds set out in clause 20.23 (1) (a) or (b) of that Act.
2. The Regulation is amended by adding the following section:

CLASS I PROPOSALS — TRANSITION

4.2 If an application for an instrument was submitted before Ontario Regulation [insert O/Reg# for reg2011/0257] came into force and a proposal for that instrument was a Class I proposal under section 2, as it read immediately before that regulation came into force, the proposal shall remain a Class I proposal.

3. (1) Subsection 5 (1) of the Regulation is revoked and the following substituted:
 - (1) In this section,

“contaminant”, “discharge”, “waste” and “waste disposal site” have the same meanings as in the *Environmental Protection Act*.

(2) Paragraph 6 of subsection 5 (2) of the Regulation is revoked and the following substituted:

6. A proposal for an environmental compliance approval under section 20.3 or 20.5 of the *Environmental Protection Act* in respect of an activity mentioned in subsection 27 (1) of that Act that relates to a waste disposal site, or in respect of an activity mentioned in subsection 9 (1) of that Act or subsection 53 (1) of the *Ontario Water Resources Act*, except a proposal for an environmental compliance approval that would only permit engaging in one or more of the following activities:
 - i. An activity mentioned in subsection 9 (1) of the *Environmental Protection Act* that would permit the discharge of a contaminant from any one discharge point for a total of less than 10 hours in any seven-day period.
 - ii. An activity mentioned in subsection 9 (1) of the *Environmental Protection Act* that would permit the discharge of a contaminant resulting from the preparation of food at a site for the purpose of selling the food at the site at retail or distributing it at the site free of charge.
 - iii. An activity mentioned in subsection 9 (1) of the *Environmental Protection Act* that would permit the discharge of a contaminant as a result of operating combustion equipment, if the equipment is not fired with fuel derived from waste, other than wood waste, and is not operated for the purpose of generating heat or electricity for sale.
 - iv. An activity mentioned in subsection 9 (1) of the *Environmental Protection Act* that would permit the discharge of a contaminant from a storage tank or vessel.
 - v. An activity mentioned in subsection 27 (1) of the *Environmental Protection Act* in respect of mobile waste processing equipment.
 - vi. An activity mentioned in subsection 27 (1) of the *Environmental Protection Act* in respect of a waste disposal site if the proposal relates to an organic soil conditioning site within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the *Environmental Protection Act*.
 - vii. An activity mentioned in subsection 27 (1) of the *Environmental Protection Act* in respect of a waste disposal site if the proposal relates to operating a

waste disposal site for household hazardous waste for a period of not more than 12 days per year.

- viii. An activity that would permit the discharge of specific contaminants from a discharge point if,
 - A. the discharge point is already subject to an environmental compliance approval within the meaning of the *Environmental Protection Act*, and
 - B. the proposed approval would not permit an increase in the discharge of any of the specific contaminants from the discharge point.

(3) Paragraph 7 of subsection 5 (2) of the Regulation is revoked.

4. (1) Subsection 6 (1) of the Regulation is revoked.

(2) Paragraph 6 of subsection 6 (2) of the Regulation is revoked.

5. Section 8 of the Regulation is revoked.

6. Section 9 of the Regulation is revoked and the following substituted:

CLASS III PROPOSALS — ONTARIO WATER RESOURCES ACT

9. The following is a Class III proposal for an instrument:

- 1. A proposal for an order under subsection 74 (2) of the *Ontario Water Resources Act*.

Commencement

7. 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.