

Better, Stronger, Clearer



Environmental Regulations for Ontario

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BETTER, STRONGER AND CLEARER: SUMMARY

On July 31, 1996, the Ministry of Environment released its preliminary proposals for reforming 80 of Ontario's environmental and energy-related regulations. These were published in the widely distributed discussion paper, "Responsive Environmental Protection." Following extensive public consultation, the proposals were reviewed and amended to reflect many of the recommendations submitted to the ministry.

This report, presents a consolidated package of reforms for strengthening, modernizing and improving a number of the regulations addressed in the discussion paper. The explanatory tables to the report provide a summary of the public comments received to date, the subsequent modifications made to the preliminary proposals, and the environmental benefits each is expected to produce.

The regulatory amendments required for each of the reforms will be subject to formal public review under Ontario's Environmental Bill of Rights. The expected dates for posting notice on Ontario's Environmental Registry is also included in the tables to this report.

In the fall of 1997, a government reorganization shifted the mandate for administering the energy-related regulations from the Ministry of Environment to a separate ministry, the Ministry of Energy, Science and Technology. In the interests of continuity, this package includes the final proposed reforms related to energy regulations.

THE FUTURE OF ENVIRONMENTAL REGULATION

Over the past 25 years, Ontario has made significant progress in environmental protection. From curbing acid rain, improving air quality, and preventing water pollution to promoting 3Rs and energy efficiencies, Ontario has been a leader in the development of innovative environmental solutions and technologies.

Environmental regulations played a major role in that progress, and they will continue to be an important tool for the government. The Ministry of the Environment has crafted some of the most comprehensive and progressive environmental protection

measures in the world. The role of the ministry has been to set tough environmental standards and management policies, and then, to ensure that these are vigorously enforced. But we can still do better.

The regulatory reform initiative was launched in November, 1995. The benchmarks for reforming Ontario's environmental regulations have been "better", "stronger", and "clearer". The province is undertaking only those reforms which will strengthen environmental protection, increase standards and clarify the regulatory requirements.

Ontario's regulations are being refocused on the environmental problems of the 1990s — not the preoccupations of 20 years ago — and will be based on up-to-date scientific data and modern environmental analysis. The Minister has promised that "we are going to have better, stronger and clearer regulations — not relaxed regulations — in the future."

The reform process also provides a unique opportunity to remove any regulatory provisions that are redundant, obsolete or run counter to responsible environmental practice. However, while housekeeping and streamlining efforts are necessary, the government has made a commitment that it will proceed with reforms only if they maintain standards or enhance the current level of environmental protection. Each proposed amendment must be in the environmental interest.

Environmental quality and administrative efficiency are complementary objectives. However, if conflicts do arise and the ministry has to make a choice, it will always rule in favor of the environment.

The Premier has guaranteed that there will be no compromise on environmental quality. "Protecting the environment is as important to future generations as eliminating the deficit and reducing the debt," he asserts.

THE MINISTRY'S REGULATORY REFORM PROCESS

The ministry is committed to the review, reform and revitalization of Ontario's environmental regulations. As a first step in the regulatory reform process, the ministry looked at each of the 80 environmental regulations it administers and asked:

- ❖ Are there any regulatory provisions that actually work against environmental protection?
- ❖ Are there any provisions that no longer apply?
- ❖ Are there smarter, more effective ways to achieve the same or even better results?
- ❖ Are there any contradictions between or within regulations?
- ❖ Is there unnecessary duplication or overlap between other ministries, agencies or levels of government?

The overriding goal has been to preserve and, if possible, improve what already works, and fix what doesn't. No proposal has been allowed to proceed unless it passed one simple test: does it support or improve Ontario's already high standards of environmental protection?

A number of the proposed reforms will remove ambiguity, dismantle compliance barriers, and eliminate any overlap or confusion. As the Premier has said, "maintaining useless regulations undermines people's confidence in the regulatory structure and reduces their respect for necessary regulations."

Other reforms will improve the efficiency and effectiveness of both public and private sector environmental management efforts. And many will clearly improve environmental protection, including:

- ❖ stricter requirements for pesticide training, and licensing;
- ❖ tougher limits on vapors from gasoline mixtures marketed during the summer months;
- ❖ incentives for treating or destroying the waste PCBs that are currently being stored across the province; and
- ❖ requirements for recycling empty commercial and agricultural pesticide containers.

THE NEED FOR REFORM

For the last 25 years, Ontario's environmental regulations have been piling up on top of each other, without proper consideration of how they were meant to interact and work together. That's how, for example, Ontario ended up with 20 separate regulations all dealing with various aspects of air quality and air pollution control.

The existing system of environmental regulations, approvals, guidelines, standards, proposals and other legal instruments is very complex and can be extremely confusing, even to environmental professionals. Lack of clarity impedes good environmental practice and can hinder the ability to prosecute environmental offenders.

The ministry currently administers some 70 environment-related regulations, promulgated under six different pieces of legislation. These regulations range in length from a few paragraphs to more than 125 pages of text. Within their detailed provisions, requirements and schedules are some 35 forms that must be filled out with the proper reporting, monitoring or auditing data and filed with the ministry.

In turn, these regulations require the issuance of thousands of additional permits, certificates of approval, registrations and other legal instruments. Every year, the ministry issues approximately 8,000 certificates of approval, covering environmental activities ranging from air emissions to waste disposal to ventilation, exhaust and heating units.

The ministry proposes consolidating a number of related regulations into more logical packages that are easier to understand, easier to follow and easier to enforce. While overlapping or contradictory provisions would be amended, all current standards would be maintained or strengthened.

For example, ten of Ontario's 20 air pollution regulations would be reordered into three, including a General Air Pollution Regulation covering ambient air quality standards, point of impingement limits and various approval requirements. The four different regulations that govern acid rain would be repackaged as one comprehensive regulation.

Nor does it make sense to have 14 different waste management regulations covering, for example, hazardous waste management in one, PCBs in another, and various 3Rs related concerns in four more. The ministry intends to consolidate eight of these into one

consistent, less confusing regulation, while ensuring environment standards are maintained.

The ministry must also be prepared to routinely reassess our regulations based on current knowledge of environmental problems. An outdated regulation may ignore pressing environmental problems, complicate pollution prevention efforts or even discourage responsible environmental practices.

For example, we must question whether there should be a rule on the books that prevents farmers from using corn husks, culled onion and other agricultural wastes to enrich soil on their own property without a permit. Or another that makes it almost impossible to set up industry stewardship programs to collect, clean and reuse or recycle used solvents or dead batteries or other household hazardous wastes.

Some regulations are no longer applicable to environmental issues in the 1990s. It doesn't make sense to retain a regulation that sets energy efficiency standards for a type of electric water heater which has already been banned from sale in Ontario, or another that dictates liquid industrial waste handling and disposal standards for eight landfill sites that no longer accept these wastes. In each case, the ministry intends, as a simple housekeeping measure, to revoke the obsolete regulation.

PUBLIC CONSULTATION AND THE ROAD TO REFORM

Consultation has been the engine driving the reform process. Between November, 1995, and June, 1996, the ministry conferred with more than 200 key stakeholders, environmental professionals, and interested individuals representing industry, municipal and environmental organizations.

Then, based on what we heard, the ministry put some ideas down on paper. A detailed discussion paper, "Responsive Environmental Protection," which outlined the ministry's preliminary proposals for regulatory reform, was released on July 31, 1996. More than four thousand copies of the paper and its technical appendices were distributed for public comment, and another one thousand visitors or "hits" were registered on the ministry's computer website.

Next, we listened. Throughout the fall of 1996, presentations on the proposed reforms were made at environment conferences and

workshops. More than 125 meetings were held with citizen groups, municipalities, industry associations, academics and other interested environmental professionals.

Due to the high level of public interest in the preliminary proposals, the consultation period was extended to October 15, 1996. This was done to allow all stakeholders sufficient time to digest the extensive list of proposals, review the background documentation, and then draft and submit their responses. By the end of the comment period, the ministry had received more than 370 written submissions, almost half of which came from individuals.

These submissions provided both detailed recommendations and more general suggestions on ways to improve Ontario's regulations, make them more effective, and allow the ministry to fulfill its mandate. Many of the proposals to tighten regulations, remove ambiguities and revoke obsolete provisions have been well received. Some more complex proposals have engendered divergent reviews and recommendations.

The ministry carefully considered all the comments received to fine-tune the original proposals, to strengthen and clarify the regulatory language, and to ensure environmental protection is maintained and, where practical, improved.

Dozens of suggestions have been incorporated into the package of reforms. For example, our discussions with industry representatives, boating groups and private citizens convinced us not to revoke the Marinas Regulation; instead, a more comprehensive Handbook for Marinas (Code of Practice) was drafted to supplement the regulation.

After similar public discussions with interested stakeholders, we decided to maintain the Boilers and Sulphur Content of Fuels Regulations that restrict the sulphur content in heating fuels. Rather than revoke the regulations, we will keep them and add to them a new regulation to extend those environmental standards to small-scale general combustion equipment and to cover all of Ontario instead of just Metropolitan Toronto as is currently the case. The end result will be cleaner air and less acid rain causing pollutants.

Based on these kinds of extensive and wide-ranging consultations, the ministry is prepared to move forward with a package of regulatory reforms, and will now begin the final review and implementation process.

REFORM DETAILS

The accompanying tables describe in greater detail the package of reforms. For each of the proposals, these tables provide:

- ❖ the title and concise description of the current regulation being revised;
- ❖ for each regulation, there is a short summary of the ministry's preliminary proposal and the public's response to those proposals;
- ❖ there is a discussion on how those proposals have been amended and how the reforms would promote environmental protection efforts in Ontario; and
- ❖ there is a proposed timetable for reviewing and implementing the proposed reforms.

The drafting of each proposed regulatory amendment, with its precise legal wording, launches the third and final phase of consultation. The ministry will be posting proposed regulatory changes on the province's Environmental Registry, in accordance with the notification and review provisions of the Environmental Bill of Rights (EBR). The Registry is an electronic database, publicly accessible through home computers, Ministry offices and local libraries.

The EBR ensures that every interested person will receive advance warning of all environmentally significant amendments and be given adequate opportunity to exercise his or her right to make informed comments and to have those comments considered. Each posting will include instructions on where to obtain more detailed background information, who within the Ministry can answer technical questions, and how to submit any written comments.

AIR QUALITY

Current regulation

O.Reg. 271/91, Gasoline Volatility Regulation

O.Reg. 271/91 requires reduced vapour emissions by lowering volatility limit for gasoline during the summer. In February 1997, O.Reg. 271/91 was revised to further reduce the permitted volatility level of gasoline sold in Southern Ontario.

O.Reg. 353, Motor Vehicles Regulation

O.Reg. 353 sets maximum emissions for various vehicle types, requires pollution control equipment be in working order, prohibits visible emissions from motor vehicles that exceed 15 seconds over a five minute period, and bans use of leaded gasoline (for cars with catalytic converters).

O.Reg. 455/94, Recovery of Gasoline Vapour in Bulk Transfers

O.Reg. 455/94 controls vapour emissions during the transfer of gasoline at terminals, bulk plants and service stations.

(All under the Environmental Protection Act)

Preliminary discussions

The ministry originally proposed to: consolidate O.Reg. 271/91, 353 and 455/94 into a new Vehicles and Fuels Regulation; harmonize federal and provincial regulatory activities on vehicle pollution control and fuel quality; and update the test procedures, control technology requirements and emissions standards currently contained in O.Reg. 353.

The ministry received 19 submissions containing comments related to this initiative. Almost all of the respondents agreed with the need to consolidate the three regulations and make provincial activities consistent with federal activities.

Some respondents recommended that when making provincial/federal activities consistent, environmental protection standards must not be decreased. There was some support for a vehicle inspection and maintenance program.

Benefits of reform

Emissions related to vehicle and fuel use are the most significant local contributors to smog and other air pollution problems. Consistent with the overall goal of improving air quality and clarifying the regulatory framework, the government intends to proceed with the consolidation of the three related regulations into a new Vehicles and Fuels Regulation.

Making regulations consistent with federal and provincial regulatory requirements will reduce overlap, produce a clearer, more efficient regulatory system, while ensuring existing standards are not decreased.

In support of the ministry's vehicle inspection and maintenance program, "Drive Clean", the current test procedures, technology and emissions standards will be updated.

The ministry will work with Environment Canada, Transport Canada and the Ontario Ministry of Consumer and Commercial Relations to make their regulatory activities related to new and in-use vehicles and fuel quality consistent. Integrating compliance activities with the MCCR would increase efficiency.

The ministry also intends to reference the relevant standards related to gasoline volatility developed by the Canadian General Standards Board.

Timetable for Action

Draft regulations are scheduled to be posted on the EBR Registry, for public comment, by the summer of 1998.

AIR QUALITY

Current regulation

O.Reg. 660/85, Inco Limited;
O.Reg. 661/85; Falconbridge Limited;
O.Reg. 663/85, Algoma Steel Corporation; and
O.Reg. 355, Ontario Hydro.

(All under the Environmental Protection Act)

These four acid rain-related regulations control sulphur dioxide emissions from Inco Limited in Sudbury, Falconbridge Limited in the town of Nickel Centre, Algoma Steel Corporation in Wawa, and Ontario Hydro's coal-fired generating stations. At this time, all targeted reductions have been achieved.

Preliminary discussions

Under the Count Down Acid Rain program, the ministry implemented tough, technology-based regulations to control the major point sources of sulphur dioxide and other pollutants that cause acid rain.

The ministry proposed to consolidate the four acid rain-related regulations into a single acid rain regulation. The existing limits on sulphur dioxide releases would be preserved, with reporting requirements coordinated on an annual basis.

The ministry received six submissions that commented on this initiative. The proposal was supported by two non-governmental groups, two industry associations and one industry representative. All respondents backed consolidation of the regulations as long as current levels of sulphur dioxide emissions do not increase.

Benefits of reform

The government intends to consolidate the four regulations into a single acid rain regulation which would focus on the ongoing requirements for all acid gas dischargers. Consolidation will not permit increased emissions.

Sections in the regulations that apply to tasks or requirements that have already been completed will be deleted, but there will be no change to the sulphur dioxide loading limits. Reporting requirements will be amended from quarterly to annually as limits are on an annual basis.

Timetable for Action

The revised regulation is scheduled to be posted on the EBR Registry, for public comment in December of 1997.

AIR QUALITY

Current regulation	Preliminary discussions	Benefits of reform
<p>O.Reg. 337, Ambient Air Quality Criteria (AAQC) Regulations</p> <p>Sets desirable ambient air quality criteria (averaged over a prescribed time period) for specified air pollutants.</p>	<p>The ministry proposed to consolidate the Ambient Air Quality Criteria (O.Reg. 337) and the General -- Air Pollution Regulation (O.Reg. 346) into a single, focused General Air Pollution Regulation. The current Ferrous Foundries Regulation has been superseded by the more stringent air pollution control requirements in O.Reg. 346. The ministry originally proposed to revoke the now obsolete O.Reg. 336.</p>	<p>The ministry now intends to consolidate the three air quality-related regulations (O.Reg. 337, O.Reg. 346 and O.Reg. 336) into a single, focused General Air Pollution Regulation. The particulate collection efficiency and water fallout requirements contained in the ferrous foundries regulation (O.Reg. 336), will be incorporated into the new regulation. Foundries which are currently limited only by the particulate emission rates in O.Reg. 336 will be subject to the stricter requirements of O.Reg. 346, thereby strengthening environmental protection.</p>
<p>O.Reg. 346, General - Air Pollution Regulations</p> <p>Provides a number of mechanisms and requirements which the ministry employs to protect air quality and prevent adverse environmental effects. These include the Air Pollution Index, opacity requirements, fuel burning requirements, a ban on apartment incinerators, and maximum half-hour point of impingement (POI) concentrations for specified pollutants.</p>	<p>The consolidated air regulation would reference a number of new air dispersion models (used to predict and control air emissions) which would be described in a new, supporting guideline.</p> <p>A total of 68 submissions included comments relating to this major initiative. Supporters of consolidation remarked that it would make the regulations more accessible and reduce their complexity. They also welcomed the flexibility accorded by a range of dispersion models. A number of industry respondents requested new protocols relating to opacity.</p> <p>Some respondents were concerned that the proposed POI modeling would not address the cumulative effects of all pollutant sources on general air quality.</p>	<p>Among the intended amendments, the ministry intends to:</p> <ul style="list-style-type: none"> • review and update the regulatory standards, in accordance with the ministry's standards setting program, over a three-year period; • revise the protocols for measuring opacity; and • reference in the regulation for a guideline that provides a list of acceptable dispersion models (the details of which will be referenced to outside information sources). <p>By bringing the three regulations together, the ministry will present and enforce a readily accessible, consistent and modern set of air standards. In the end, environmental protection will be enhanced.</p>
<p>O.Reg. 336, Air Contaminants from Ferrous Foundries</p> <p>336 sets industry-specific particulate emissions rates and collection efficiencies, and prohibits water fallout beyond the property line.</p> <p>(All under the Environmental Protection Act)</p>		<p><u><i>Timetable for Action</i></u> The consolidated regulation is scheduled to be posted on the EBR Registry, for public comment, by March of 1998. Any future amendments or additions to Ontario's standards will be posted separately on the Registry as they are developed.</p>

AIR QUALITY

Current regulation

O.Reg. 349, Hot Mix Asphalt Facilities

(Under the Environmental Protection Act)

Prohibits visible emissions and materials, including water plumes, from impinging outside the property line.

Preliminary discussions

The ministry originally proposed replacing O.Reg. 349 with a Code of Practice developed by the Industry Association which would be implemented, following a one-year trial period, through a Standardized Approval Regulation (SAR).

Nine submissions included comments relating to this proposal. Those in support stated that the Code would address environmental issues that are currently not covered by the regulation. However, a number of respondents did not endorse replacing the current regulation with a Code of Practice, and expressed concerns about enforcing such a Code under a Standardized Approval Regulation.

Benefits of reform

The ministry intends to retain the current regulation and supplement it with a Code of Practice that has been developed through an initiative by the Ontario Hot Mix Asphalt Producers Association and supported by the MOE. The Code is designed to provide clear and comprehensive guidance, and to ensure the environmentally safe operation of hot mix asphalt facilities beyond what is required under the regulation. The Association is currently promoting and supporting use of the Code by its members.

Timetable for Action

A decision notice is scheduled to be posted on the EBR Registry, for public comment in December of 1997.

O.Reg. 350 Lambton Industry Meteorological Alert.

(Under the Environmental Protection Act)

Defines the conditions that would give rise to, and terminate, an air pollution alert in Lambton County (located in Southwestern Ontario), as well as the actions to be taken during such an alert. The regulation is implemented jointly by the ministry and the Lambton Industrial Association.

The ministry initially proposed to revoke the current regulation and replace it with a Memorandum of Understanding (MOU) that would accord local companies greater flexibility in resolving air pollution problems. The ministry would continue to enforce provincial air quality standards through an amended and strengthened General -- Air Pollution Regulation (O.Reg. 346).

While a number of respondents supported voluntary agreements as valid, efficient and cost effective, concern was expressed by both individuals and environmental organizations that the existing regulation be maintained as a safeguard.

The ministry intends to maintain and strengthen the current Lambton Industry Meteorological Alert Regulation (O.Reg. 350), while streamlining certain administrative requirements. In the future alerts would be called solely on measured SO₂ levels, allowing for earlier response (i.e. industry reduction of SO₂) rather than also using meteorological forecasts and models. An unnecessary requirement for a monitoring station in Port Huron, Michigan, would be removed (only one alert in five years). The regulation will be supplemented and reinforced with a formal contractual agreement with the Lambton Industrial Society.

Timetable for Action

Following development of the formal agreement, the revised regulation is scheduled to be posted on the EBR Registry, for public comment, by March 1998.

AIR QUALITY

Current regulation

O.Reg. 361, Sulphur Content of Fuels.

(Under the Environmental Protection Act)

Applies to the Municipality of Metropolitan Toronto and prohibits the use or sale of any fuel with a sulphur content greater than what is specified in the Regulation Schedule without an Certificate of Approval. (For #s 1 and 2 fuel oil, less than 0.5 percent sulphur. For #s 4, 5, 6B, 6C fuel oil and coal, less than 1.5 percent sulphur)

O.Reg. 338, Boilers Regulation

(Under the Environmental Protection Act)

Sets the sulphur content of fuel oil and coal at less than one percent except for boilers at Ontario Hydro and in homes and excludes Gray and Bruce counties or where a Certificate of Approval applies

Preliminary discussions

The ministry originally proposed revoking O.Reg. 361 and O.Reg. 338, and controlling the sulphur content of fuel under a Standardized Approval Regulation (SAR). A SAR would exempt facilities from obtaining a Certificate of Approval (for boiler emissions) as long as they use a fuel containing no more than 0.5 percent sulphur.

A total of 21 submissions included comments relating to this initiative. While there was some support for the proposals, the majority of respondents opposed revoking the two existing regulations, claiming that the costs associated with compliance are negligible and the environmental benefits are significant.

Benefits of reform

The now ministry intends to maintain the two regulations as they currently exist. They will be supplemented with a Standardized Approval Regulation (SAR), for new small combustion equipment in Ontario. This proposed SAR will limit sulphur content in fuel at a 0.5 percent by weight - the same strict limit as the Sulphur Content of Fuels regulation (Reg. 361) which applies only in Metropolitan Toronto.

This proposed SAR would provide an alternative to the approval process to those wishing to install small combustion equipment.

The reforms would improve air quality by reducing sulphur emissions in Ontario from those units regulated under the new SAR.

Timetable for Action

The SAR is expected to be posted on the EBR Registry for public comment in December of 1997.

APPROVALS

Current regulation

Demonstration Project Regulation.

(Proposed under the Environmental Protection Act)

Currently, approval under Part V of the Environmental Protection Act (EPA) is required for the demonstrations of innovative or "green" waste management technologies. Proposed projects are subject to either a mandatory hearing (under s.30 of the EPA) or discretionary hearings (under s.32 of the EPA, or the Ontario Water Resources Act).

Preliminary discussions

Public hearings may be costly and time-consuming and may serve as a disincentive for the development and demonstration of new waste technology projects.

Under the more streamlined provisions of the ministry's proposed Demonstration Project Regulation, designated projects would no longer be subject to the public hearing requirements of the EPA or OWRA.

All the public comments relating to this initiative supported removing any barriers to the demonstration of new waste management technologies.

Benefits of reform

The ministry intends to proceed with the development of a regulation and/or guideline to remove hearing requirements under the EPA and OWRA pertaining to the demonstration of prescribed new technologies. Formal site-specific hearings would only be undertaken if requested by the host community. Such projects would still require a Certificate of Approval to ensure the environment is protected.

The move is expected to accelerate the refinement and introduction of new environmental technologies which will contribute to reducing and preventing pollution.

Timetable for Action

A proposed new regulation or guideline for waste-related technologies is scheduled to be posted on the EBR Registry, for public comment, in January of 1998 and for water and sewage treatment technologies, in December of 1997.

ENERGY

Current regulation

O.Reg. 933, Water Heaters (Under the Power Corporation Act)

Requires that electric stationary storage water heaters meet certain standards designed to ensure energy efficiency.

O.Reg. 82/95, Energy Efficiency Standards Regulations (Under the Energy Efficiency Act)

O. Reg 98/95, Energy Efficiency Standards Regulations (Under the Energy Act)

Sets minimum energy efficiency levels, labeling requirements and compliance dates for more than 40 classes of products and appliances sold or leased in Ontario. The standards have been developed by technical committees representing manufacturers, utilities, retailers, consumer groups and the federal and provincial government.

Preliminary discussions

Under O.Reg. 82/95, under the Energy Efficiency Act, this type of heater is no longer permitted to be offered for sale or lease in Ontario. Therefore, Reg. 933 is obsolete and the ministry proposed revoking it.

All respondents supported the ministry's proposal to revoke O.Reg. 933.

The ministry proposed amending O.Reg. 82/95 to add minimum energy efficiency standards for three products not currently covered: gas-fired room heaters, wall furnaces, and fluorescent lamps.

The ministry also proposed updating the existing standards for three products: electrically heated storage water heaters, parking lot and area dusk-to-dawn lighting, and cobra-head type roadway lighting.

All comments received on this initiative, including those submitted by manufacturers, supported the proposed amendments. One respondent was concerned about possible overlap with existing federal standards; however, provincial standards are required to control products manufactured and sold or leased in Ontario.

Benefits of reform

The ministry plans to proceed immediately with revoking O.Reg. 933. The move is a simple housekeeping measure and is being undertaken to eliminate confusion and maintain a clear regulatory system. It will not have any environmental or socio-economic impact.

Timetable for Action

The required notice is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

Energy efficiency standards ensure consumer protection, reduce energy costs and minimize the environmental problems associated with energy production, such as air pollution, greenhouse gases and global warming. For the benefit of Ontario consumers and manufacturers, these standards must be kept technically up-to-date and consistent with similar standards in other jurisdictions.

The ministry intends to proceed with the original proposals to add minimum efficiency for three products currently unregulated and update the standards for three classes of products. This is a positive contribution in meeting Ontario's commitments to reducing greenhouse gases. The amendments will also bring Ontario into line with U.S. and international standards and improve our competitive standing, while imposing negligible costs on the consumer.

Timetable for Action

The proposed amendments are scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

ENERGY

Current regulation

O.Reg. 702, Uniform System of Accounts

(Under the Ontario Energy Board Act)

Requires larger gas utilities to maintain a uniform system of accounts in accordance with standards set forth in the schedule to this regulation.

Preliminary discussions

The ministry proposed incorporating new account methods into the regulation, in accordance with developments in the gas industry, current accepted private sector practices, the Ontario Energy Board and government policy.

The ministry also proposed consolidating the General Regulation (O.Reg. 869) and the Uniform System of Accounts Regulation (O.Reg. 702) into a single new regulation.

There were no comments submitted on the proposals related to this regulation. However, new accounting methods developed by the Ontario Energy Board have been strongly supported by the gas industry.

Benefits of reform

The Ministry of Energy, Science and Technology intends to amend the regulation by adopting more efficient accounting methods which are in tune with current industry practices.

Timetable for Action

The proposed amendments are scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

ENERGY

Current regulation

O.Reg. 869, General Regulation (Under the Ontario Energy Board Act)

Sets the fees to be charged by the Board, prohibits the sale of free or reduced-charge natural gas sales, exempts certain other transactions, defines designated areas for storage, and specifies the forms to be used under the Ontario Energy Board Act (OEBA).

Preliminary discussions

Several sections of O.Reg. 869 exempt specific historical transactions, including changes in ownership, amalgamations or sales of assets in the gas utility sector, from s.26 of the OEBA (which deals with OEB hearings).

A number of these transactions are now complete and are considered obsolete. To reduce regulatory clutter, the ministry proposed removing all such exemptions in O.Reg. 869.

There were few comments on the proposals to amend O.Reg. 869. One respondent recommended maintaining a public register of exempted transactions.

Benefits of reform

The government intends to proceed with its original proposal and delete all the obsolete exemptions relating to completed transactions from O.Reg. 869. The move will reduce regulatory clutter and improve the clarity of the regulatory requirements.

The government will also explore the establishment of a public register of deleted exemptions.

Timetable for Action

The proposed amendments are scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

O.Reg. 870, Rules of Procedure (Under the Ontario Energy Board Act)

Sets out the rules for proceedings before the Ontario Energy Board (OEB), which regulates the gas utilities in Ontario.

Due to changes in the Statutory Powers Procedure Act, the OEB can now set its own Rules of Procedure without the need of an amending regulation. This increases the flexibility with which the OEB can improve its administrative procedures.

Following consultation with the gas utilities, Ontario Hydro, and other applicants and intervenors, the OEB began revising its Rules of Procedure. The ministry proposed to revoke the existing O.Reg. 870 as obsolete once the OEB exercises its rule-making powers.

There was general support for this initiative.

The OEB recently implemented its new rules, making O.Reg. 870 redundant. The government, therefore, intends to proceed with its original proposal and revoke the Rules of Procedure Regulation (O.Reg. 870).

The move brings the OEB in line with a government-wide approach to rules of procedure and ensures the Board's capacity to establish rules that improve its administrative procedures.

Timetable for Action

A notice is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

ENERGY

Current regulation

O.Reg. 188/93, Ontario Hydro Exemption
(Under the Ontario Energy Board Act)

Temporarily exempted Ontario Hydro from s.37(2) of the Ontario Energy Board Act (OEBA) which requires the public review of changes in rates or charges.

Preliminary discussions

The powers of the regulation lapsed in 1994 and it is now obsolete. Therefore, the ministry proposed revoking O.Reg. 188/93.

There were no comments relating to this initiative.

Benefits of reform

In the interests of regulatory housekeeping, the Ministry of Energy, Science and Technology intends to proceed with the original proposal and revoke the Ontario Hydro Exemption (O.Reg. 188/93) by December of 1997.

Timetable for Action

A notice is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

ENVIRONMENTAL ASSESSMENT

Current regulation

Preliminary discussions

Benefits of reform

O.Reg. 335, Rules of Practice
(Under the Environmental Assessment Act)

Establishes the procedures the Environmental Assessment Board uses to manage the EA hearing process. The Board is a quasi-judicial body that makes decisions on EA proposals subject to the Environmental Assessment Act (EAA).

Due to changes in the Statutory Powers Procedure Act, the EA Board can now make its own rules without the need of an amending regulation. Therefore, the ministry proposed to revoke the existing O.Reg. 335 as obsolete once the EA Board exercises its rule-making powers.

There were four submissions that included comments on this initiative. All were generally supportive, but expressed an interest in commenting on the new EA Board rules.

The power of the EA Board to make its own rules, without the need of an amending regulation, increases the flexibility with which the Board can improve its hearing structure and decision-making, as well as address concerns about the timeliness, scope and costs of hearings.

The EA Board's new Rules of Procedure have been drafted and stakeholders have been invited to submit their comments directly to the Board. Therefore, the ministry intends to proceed with its original proposal and revoke O.Reg. 335.

Timetable for Action

The ministry intends to proceed with its original proposal and revoke the Rules of Practice Regulation (O.Reg. 335) in December of 1997.

Exemption Orders

(Under the Environmental Assessment Act)

293 individual regulations exempt specific projects, subject to certain conditions, from the EA requirements of the Act.

As a housekeeping measure, the ministry proposed revoking a large number of obsolete exemption regulations that had been made under the EAA.

There were three submissions commenting on this initiative. There was general support that the exemptions were obsolete.

The use of the Class EA mechanism for a large number of projects has reduced the need for many exemptions under the EAA. In addition, many of the projects covered by existing exemption regulations have either been completed or withdrawn making the regulations obsolete.

To reduce regulatory clutter, minimize confusion and improve clarity, the ministry intends to proceed with this proposal.

Timetable for Action

An Omnibus Order, revoking 293 obsolete exemption order regulations has been prepared. The notice of the Omnibus Order is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

ENVIRONMENTAL BILL OF RIGHTS

Current regulation

O.Reg. 681/94, Classification of Proposals for Instruments (Under the Environmental Bill of Rights)

Prescribes proposals for Ministry of Environment and Energy instruments which are subject to the EBR. Instruments are legal documents, including permits, licences, approvals, authorizations, directions and orders issued under a prescribed Act.

Preliminary discussions

Under public notification provisions of the EBR, proposals for environmentally significant instruments must be posted on the province's electronic EBR Registry. This process is designed to facilitate the public's involvement and contribution to environmental decision-making.

The ministry proposed removing the EBR notification requirements for certain instruments that have little environmental significance.

A total of 44 submissions contained comments relating to this initiative, about half of which supported the proposal.

A number of respondents wanted an opportunity to comment on the instruments the ministry intended to exempt from the notification provisions. Several respondents recommended that proposals and decisions related to pesticide use not be removed from the list of prescribed instruments.

Benefits of reform

The ministry has decided to wait until the effects of other reform activities are known before proceeding with removing instruments from this regulation. However, administrative changes to the regulation will still be required to correct and clarify information, and to add instrument classification information for other ministries.

Timetable for Action

A notice will be posted to the Environmental Registry detailing the revised proposal in December of 1997.

O.Reg. 73/94, Application of Act Regulation

(Under the Environmental Bill of Rights)

Prescribes those ministries and Acts subject to the EBR, along with the time lines for implementing various sections of the EBR.

The ministry proposed updating the regulation by incorporating the names currently used by the prescribed Ministries.

Four submissions contained comments related to this initiative, all of which were supportive.

Several ministries have changes names since promulgation of the regulation in 1994. In the interests of clarity and to minimize confusion, the ministry intends to amend O.Reg. 73/94 by updating references to the provincial Ministries prescribed under the EBR. This is a simple housekeeping measure and will have no impact on the operation or application of the EBR.

Timetable for Action

The amended regulation is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

PESTICIDES

Current regulation

O.Reg. 914/94, General - Pesticides

(Under the Pesticides Act)

Covers all aspects of pesticide use, including the sale, disposal, transportation, storage, prohibition, and classification of pesticide products.

Preliminary discussions

The ministry proposed several amendments to O.Reg. 914/94 designed to improve environmental protections, support resource recovery, or implement housekeeping changes. Amendments would:

- prohibit the burial of empty pesticide containers, and require the recycling of agricultural and commercial containers made of plastic or metal;
- eliminate the section dealing with obsolete pesticides that are no longer available;
- consolidate and clarify the section on fumigants; and

Pending action on national classification system, develop an interim strategy and changes to Regulation 914 as necessary, to simplify the current provincial system.

A total of 25 submissions contained comments related to the disposal of empty containers, all of the which supported the recycling requirements.

Benefits of reform

The ministry intends to amend O.Reg. 914/94 to: ban the burial of empty containers and require their recycling; eliminate the sections dealing with obsolete pesticides; and consolidate and clarify the sections dealing with fumigants.

Burying commercial and agricultural pesticide containers poses long-term risk to ground and surface water. Recycling eliminates those risks. This reform will provide added support for the operation of the container recycling system which has been established in Ontario.

The elimination of those provisions dealing with obsolete pesticides (i.e., products no longer approved for use by federal government) would improve regulatory clarity and certainty, and contribute to improved compliance.

Clarification of the sections relating to structural fumigants would better reflect more modern practices (i.e. integrated pesticide management is better environmental practice) and procedures in the use of these products. This is a housekeeping measure which maintains or improves current standards.

The eventual implementation of a national pesticides classification system once developed and adopted, would allow faster access to new pesticides prior to the growing season and minimize regulatory overlap and duplication. Such a system will result in substantial improvements in both efficiency and effectiveness for the agricultural community and government and maintain environmental protection.

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PESTICIDES

Current regulation

Preliminary discussions

Benefits of reform

(CONTINUED FROM PREVIOUS PAGE)

Three submissions commented on the obsolete pesticide provisions. While there was support for removing the relevant sections, there was concern that the storage and disposal of old stock be regulated.

Three respondents commented on the fumigant-related provisions. There was support for consolidation provided current standards were maintained.

Timetable for Action

Notice of the amendments related to empty containers and obsolete pesticides was posted on the EBR Registry in August, 1996. The final decision, as well as the other amendments to O.Reg. 914/94, are scheduled to be posted on the EBR Registry during early 1998.

PESTICIDES

Current regulation

O.Reg. 914/94, General - Pesticides (Under the Pesticides Act)

See description, above.

Preliminary discussions

The ministry proposed several amendments to O. Reg. 914/94 designed to streamline the licensing system and upgrade the training requirements. Amendments would:

- simplify the licencing system and reduce the number of types of licences;
- upgrade the training requirements for exterminators to meet new national standards; and
- eliminate exterminator licencing requirements for the use of some low risk pesticides.

Of the 14 submissions commenting on the licensing and training requirements, 13 supported the proposals. One respondent did not support the changes to the vendor licenses.

Benefits of reform

The current system of pesticides licences is complex and includes some 53 types of licences. Therefore, the ministry intends to amend O. Reg. 914/94 to implement the proposed amendments.

A simpler system of licensing, that reduces the number of types of pesticide licences to 18, would eliminate much of the current confusion and would be more efficient and effective.

Upgrading the training requirements for pest exterminators in order to meet new national standards, will result in the safer handling of pesticides by exterminators and improved protection of the environment and human health.

The elimination of exterminator licensing requirements for the use of some low risk pesticides (for example, boric acid, mineral oil, insecticidal soaps) would encourage use of low risk pesticides as well as improving administrative efficiencies.

Timetable for Action

Notice of the amendments related to licencing and training was posted on the EBR Registry in August 1996. The final decision, as well as the other amendments to O.Reg 914/94 are scheduled to be posed on the EBR Registry during early 1998.

PESTICIDES

Current regulation

**O.Reg. 914/94, General -
Pesticides**
(Under the Pesticides Act)

See description, above.

Preliminary discussions

The ministry currently issues some 1,650 permits a year setting out the specific conditions for the use of prescribed pesticides. The ministry proposed several amendments to O.Reg. 914/94 to remove permit requirements for pesticides that pose little risk to the environment.

Of the 19 submissions commenting on the permitting requirements, only two supported the proposals. The 15 respondents that did not support the changes wanted existing permitting requirements retained or made more stringent. One respondent requested further examination of the proposals.

Benefits of reform

The ministry intends to develop a detailed proposal for using enforceable Standardized Approval Regulations (SARs), in place of permits, for the application of low risk pesticides. This move would ensure environmental protection as all users would need to comply with regulatory requirements or face enforcement measures.

Timetable for Action

The detailed proposals and draft regulations are scheduled to be posted on the EBR Registry, for public comment, during early 1998.

SPILLS

Current regulation

O.Reg. 360, Spills Regulations
(Under the Environmental Protection Act)

Part X of the Environmental Protection Act (EPA) imposes certain duties on persons who cause a spill (or are in control of a material that is spilled) to contain and clean-up the spill and report the incident. O.Reg. 360 clarifies the duties and rights contained in Part X and exempts certain types of environmentally insignificant spills from the reporting requirements.

Preliminary discussions

An estimated 20 to 30 percent of the spills reported to the ministry have no effect on the environment. The ministry proposed to further revise the criteria used in O.Reg. 360 to determine which spills are reportable under the EPA, and to rationalize the spill reporting requirements.

In addition, a series of amendments made over the years has made the regulation awkward and difficult to understand. In response, the ministry proposed clarifying the regulatory language.

While industry respondents were generally in favour of the proposals, they noted that the spill reporting requirements under the Ontario Water Resources Act would need to be revised as well.

There was some concern that the ministry would no longer be notified of some smaller spills that could still cause environmental problems. It was also recommended that the parties responsible for a spill, regardless of the size, remain liable for the clean-up.

Benefits of reform

A lack of clarity in the wording of O.Reg. 360 has resulted in the reporting of environmentally insignificant spills, imposing an administrative burden on the reporting parties as well as ministry staff. Establishing clearer reporting requirements and procedures would reduce the number of spills reported without compromising environmental protection.

The ministry intends to develop regulatory amendments to clarify the spill reporting requirements and eliminate notification of insignificant spills under the EPA. This would be done by introducing new quantitative measures for specific industrial sectors. To address concerns about small spills that could cause environmental problems, the reforms would be carefully worded to only eliminate the reporting requirements while retaining the other spill-related clean-up provisions. Companies would need to keep a log of unreported spills which could be audited by government to ensure all significant spills are reported.

Timetable for Action

Revised regulations are scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

WASTE MANAGEMENT

Current regulation

O.Reg. 348, Hauled Liquid Industrial Waste Disposal Sites
(Under the Environmental Protection Act)

Sets out the requirements, operating standards and exemptions for eight waste disposal sites that were accepting liquid industrial wastes in 1981.

Preliminary discussions

Currently, the eight regulated sites are either closed, no longer accepting liquid industrial wastes or the regulatory requirements have been superseded by the Certificate of Approval under which a site operates. Therefore, the ministry proposed to revoke O.Reg. 348 as obsolete.

No submissions were received relating to this proposal.

Benefits of reform

The ministry intends to revoke O.Reg. 348 as obsolete.

Timetable for Action

The notice to revoke O.Reg. 348 is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

O.Reg. 341, Deep Well Disposal
(Under the Environmental Protection Act)

Sets standards for the location, maintenance and operation of deep well disposal sites for liquid industrial wastes, primarily from oil and gas field exploration.

Currently, oil field brine is exempt from the EPA and subject to the provisions of the Petroleum Resources Act under the jurisdiction of the Ontario Ministry of Natural Resources (MNR).

The Ministry of Environment proposed harmonizing the O.Reg. 341 requirements with those managed by MNR, add definitions to clarify the regulation, amend the oil field brine exemption, and consolidate O.Reg. 341 into a revised General Waste Management Regulation (O.Reg. 347).

Industry and environmental groups both supported the ministry proposals.

The ministry intends to amend the regulation to: revise the definitions and include oil field brine under the EPA, eliminate oil field brine exemption, and consolidate the requirements into a revised general waste regulation (O.Reg. 347).

This action makes the ministry's regulations on oil field brine and other oil field wastes consistent with MNR's management programs. It also clarifies which materials are subject to regulation and strengthens environmental protection by narrowing the current exemptions.

Timetable for Action

The revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, in February of 1998.

WASTE MANAGEMENT

Current regulation

O.Reg. 347, General - Waste Management Regulations (Under the Environmental Protection Act)

Governs the designation and exemption of wastes, sites and systems, and sets out standards and requirements for the management of municipal, industrial and hazardous wastes. The regulation also requires the registration of hazardous waste generators and establishes a manifest system for tracking hazardous waste movement.

Preliminary discussions

The ministry proposed a package of amendments to:

- consolidate eight of the ministry's 14 waste-related regulations into one focused General Waste Management Regulation (O.Reg. 347);
- amend a number of definitions to identify waste streams which can be safely diverted or recycled (including agricultural wastes, and waste-derived fuel), and to clarify the management requirements for biomedical waste and asbestos waste; and
- simplify the administrative and approval requirements for "manufacturer-controlled networks" that would promote product stewardship through a product's life cycle.

There was strong support for most of the proposed amendments to regulatory definitions. There was some concern that the inclusion of municipal waste in waste-derived fuel could compromise 3Rs programs.

Benefits of reform

The package of waste-related amendments are designed to: increase the diversion of wastes from disposal, promote resource conservation and environmental protection, reduce paperwork, and support a more consistent approach to waste management across Canada.

The ministry intends to proceed with the consolidation of eight of its 14 waste related regulations into a General Waste Management Regulation in order to avoid confusion and foster regulatory consistency. Potentially duplicative or contradictory provisions would be made consistent.

Several definitions are out of date and do not reflect current practices and technologies. Amendments will be introduced in order to expand and clarify the regulatory definitions for agricultural, biomedical and asbestos wastes, and waste-derived fuels. These changes will enhance recycling opportunities, divert wastes from disposal, and offer certain cost savings.

The ministry also intends to proceed with the development of a definition of a "manufacturer-controlled network" to facilitate product stewardship programs and encourages packaging and waste reduction, recycling and diversion from landfill.

Timetable for Action

The revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, in February of 1998.

WASTE MANAGEMENT

Current regulation

O.Reg. 347, General - Waste Management Regulations
(Under the Environmental Protection Act)

See description, above.

Preliminary discussions

In order to promote the recycling and reuse of hazardous wastes, provide greater regulatory clarity and streamline administrative procedures, the ministry proposed a package of hazardous waste-related amendments to:

- introduce a simplified roster system for tracking small quantities of waste;
- amend the definition of "site" as it applies to generator registration and manifest requirements;
- clarify the three-month storage notification requirement;
- remove the generator registration requirement for registerable solids wastes;
- formalize the administrative exemption used to facilitate battery recycling; and
- exempt precious metal-bearing wastes destined for reclamation facilities from subject waste and system approval requirements.

Industry offered strong support for the package of hazardous waste-related amendments. Environment groups expressed some concern with the potential for improper management of hazardous wastes.

Benefits of reform

The ministry intends to proceed with developing a package of hazardous waste amendments. Clearer definitions would encourage better management of wastes in accordance with the risks they pose. Provisions to streamline the small quantity reporting requirements should promote greater recycling opportunities for waste solvents, oils, batteries, and so on. The amendments will also clarify administrative procedures.

An amended manifest system will focus on environmentally significant materials and enhance the ministry's capacity to closely monitor transfers and storage more efficiently. The ministry is working with federal and other provincial governments on national definitions and a uniform tracking system. Ontario will not proceed until a national definition is finalized.

Timetable for Action

Certain revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, in February of 1998.

WASTE MANAGEMENT

Current regulation

O.Reg. 347, General - Waste Management Regulations
(Under the Environmental Protection Act)

See description, above.

Preliminary discussions

The ministry proposed to deal with waste management facilities in terms of the environmental risks posed and specify the appropriate approval mechanism for each class:

- Class I projects, those that pose the most significant risk, will be subject to mandatory hearings under the EPA and as required under the Environmental Assessment Act;
- Class II projects would be subject to full Part V approvals under the EPA and discretionary hearings;
- Class III projects would be subject to the provisions of a Standardized Approval Regulation; and
- Class IV projects would be exempt from waste approval requirements, but would still be subject to other EPA and Ontario Water Resources Act provisions.

There were 50 submissions that contained comments on this initiative. In general, respondents supported the concept of these classes of approvals, although a number required more detail. Some respondents were concerned with this approach, and questions were raised about what items would fall under which class of approval.

Benefits of reform

There is currently a lack of consistency between technical standards for waste management facilities, approval requirements and potential environmental risk. Therefore, the ministry intends to proceed with the development of four classes of approvals for waste management facilities based on the environmental risk posed.

The regulations will set forth clear performance, operation, design, record keeping and updating requirements, where appropriate, for each class of facility.

The move would improve regulatory clarity, ensure certainty, and assist municipalities by reducing the cost of approvals. Lower risk facilities would be approved more quickly, while higher risk facilities would continue to be subject to stringent approval procedures focusing on priorities.

Timetable for Action

The revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, in February of 1998.

WASTE MANAGEMENT

Current regulation

O.Reg. 352, Mobile PCB Destruction Facilities Regulations

(Under the Environmental Protection Act)

Defines the requirements for the establishment of mobile facilities for the destruction of PCBs.

Preliminary discussions

The ministry proposed revising the approval requirements for mobile PCB destruction facilities according to the environmental risk they pose.

The ministry also proposed revoking O.Reg. 352 and consolidating the regulatory requirements into the General Waste Management Regulation (formerly O.Reg. 347).

There was general support for this proposal.

Benefits of reform

A number of innovative and improved PCB destruction technologies have been developed since the province's PCB regulations were first drafted in the mid-1980s. The current approvals process may impede the application of environmentally sound destruction technologies. Safe destruction is a better option than transporting or indefinite storage.

To encourage the consolidation and destruction of PCB wastes, the ministry intends to amend the hearing requirements (from mandatory to discretionary) for non-incineration type mobile PCB destruction facilities. Once technology is approved, only site-specific applications would require approval (with discretion for hearing). The public will continue to be notified through the EBR Registry and other means.

The ministry also intends to consolidate the existing O.Reg. 352 with its revised O.Reg. 347.

Timetable for Action

The revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, in February of 1998.

WASTE MANAGEMENT

Current regulation

O.Reg. 362, Waste Management - PCBs Regulations

(Under the Environmental Protection Act)

Defines PCB waste and establishes management requirements in regards to the storage and shipment of PCB waste.

Preliminary discussions

The ministry originally proposed to:

- make the definition of PCB waste consistent with that used by the federal government;
- clarify and standardize the administrative requirements controlling the storage, handling and movement of PCBs;
- develop Standardized Approvals Regulations (SARs) to govern PCB storage and transfer sites; and
- consolidate the revised provisions of O.Reg. 362 with the General waste Management Regulation (O.Reg. 347).

There was support for the proposed amendments, although some concern was expressed about making provincial and federal definitions consistent and the use of SARs to control hazardous wastes.

Benefits of reform

To encourage the consolidation and destruction of PCB wastes, the ministry intends to proceed with its proposed package of amendments, including making definitions consistent with federal definitions, the simplification of administrative requirements, and the use of SARs for temporary storage and consolidation sites. The ministry also intends to incorporate the provisions of O.Reg. 362 into its revised General waste Management Regulation (O.Reg. 347).

The package of proposals was designed to reduce environmental risks associated with the long-term storage of PCB wastes. Strong standards would ensure that these wastes continue to be safely managed.

Timetable for Action

The revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, during February of 1998.

WASTE MANAGEMENT

Current regulation	Preliminary discussions	Benefits of reform
<p>O.Reg. 101/94, Recycling and Composting of Municipal Waste Regulations (Under the Environmental Protection Act)</p> <p>One of the ministry's 3Rs regulations, O.Reg. 101/94 requires municipalities to implement recycling and backyard/central composting programs, and exempts certain recycling and composting sites from approval requirements.</p>	<p>The ministry originally proposed amending the existing regulation in order to:</p> <ul style="list-style-type: none"> • provide a single list of designated Blue Box materials; • amend the 50-metre buffer requirement for siting municipal recycling facilities; • allow two-stream recycling systems (such as wet/dry collection systems); and • permit the inclusion of small amounts of food wastes in the feedstock at leaf and yard waste composting facilities. <p>A total of 32 submissions contained comments relating to this initiative, and were generally supportive. However, a number of respondents expressed concern about the creation of a single list of designated Blue Box materials.</p> <p>In addition, the quantity of food waste to be allowed at leaf and yard waste composting facilities was considered too high, and was amended in the ministry's final, detailed proposal.</p>	<p>The ministry intends to amend the regulation to: allow two-stream systems, amend the 50-metre buffer requirement, and allow food composting at leaf and yard facilities. The ministry also intends to incorporate the provisions of O.Reg. 101/94 into its revised General Waste Management Regulation (O.Reg. 347). The ministry does not intend to proceed with the single list of designated Blue Box materials.</p> <p>The proposals are intended to increase the diversion of wastes from disposal, and allow municipalities greater flexibility in designing their Blue Box programs. Two stream recycling systems will facilitate composting and the recovery of useful soil conditioning material. The SAR will support the siting of new recycling and resource recovery facilities. Consolidating regulations simplifies the regulatory framework.</p> <p><u><i>Timetable for Action</i></u> The revisions, to be incorporated into a consolidated General Waste Management Regulation (O.Reg. 347), are scheduled to be posted on the EBR Registry, for public comment, during February of 1998.</p>

WASTE MANAGEMENT

Current regulation

O.Reg. 344, Disposable Containers for Milk, and O.Reg. 345, Disposable Paper Containers for Milk

(Under the Environmental Protection Act)

These two regulations restrict the types of disposable containers that may be used to package milk. O.Reg. 344 exempts recyclable milk containers if a deposit is charged. However, numerous exempting amendments have been made since 1980 which have negated their original purpose.

Preliminary discussions

The milk container regulations were established to help preserve refillable milk containers by limiting the type of disposable containers that could be used. O.Reg. 344 and O.Reg. 345 are now outdated and the ministry proposed revoking them as obsolete.

A total of 11 submissions contained comments on this proposal. Nine respondents supported revoking the regulations.

Benefits of reform

The ministry intends to revoke the obsolete regulations.

Timetable for Action

A notice is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

WASTE MANAGEMENT

Current regulation

O.Reg. 340, Containers, Non-Refillable for Soft Drinks
(Under the Environmental Protection Act)

O.Reg. 340 allows for the sale of soft drinks in non-refillable containers provided that a minimum of 50 percent of such containers are recycled.

O.Reg. 357, Refillable Containers for Carbonated Soft Drinks

(Under the Environmental Protection Act)

O.Reg. 357 sets out requirements and industry responsibilities for soft drinks sold in refillable containers.

Preliminary discussions

The ministry sought alternative approaches for promoting refillable containers and reusable packaging.

Of the 47 submissions that referred to this proposal, 27 supported the existing regulation governing refillable soft drink containers and 15 were in favour of revoking it. Respondents suggested a number of alternatives, including deposit-return systems for all beverages, and a "level playing field" regulation for Blue Box financing.

Benefits of reform

These soft drink regulations require that at least 30 percent of soft drinks be sold in refillable containers. However, the public has shown a preference for non-refillables and currently purchases less than 2 percent of soft drinks in refillable containers.

Although the existing regulations have proven unworkable, public opinion is divided on the preferred solution. The ministry intends to retain O.Reg. 340 and O.Reg. 357, for the time being, pending further review of alternatives by the ministry and from a review of product stewardship issues being conducted by the Recycling Council of Ontario.

WASTE MANAGEMENT

Current regulation

O.Reg. 102/94, Waste Audits and Waste Reduction Workplans Regulations

(Under the Environmental Protection Act)

One of the ministry's 3Rs regulations, O.Reg. 102/94 sets out requirements for large industrial, commercial and institutional (IC&I) sector establishments to develop waste audits and waste reduction workplans.

O.Reg. 104/94, Packaging Audits and Packaging Reduction Workplans Regulations

(Under the Environmental Protection Act)

O.Reg. 104/94 sets out requirements for designated large packaging users to develop packaging audits and reduction workplans.

Preliminary discussions

Some stakeholders have recommended that the ministry revoke the existing waste audit and workplan regulations in favour of voluntary guidelines. The ministry asked for feedback on this option.

Of the 60 submissions that contained comments on this issue, 40 respondents supported retaining O.Reg. 102/94 and O.Reg. 104/94. Many respondents suggested amendments that could reduce the paperwork involved.

A stakeholder forum was held on November 25, 1996, to share ideas on the auditing and workplan regulations. In general, participants showed support for maintaining the two regulations, and recommended some streamlining measures and other amendments to "level the playing field."

Benefits of reform

The ministry intends to amend O.Reg. 102/94 and O.Reg. 104/94 to streamline the existing regulations, increase their flexibility, and reduce the paper burden for the regulated community. The focus will be placed on workplans that result in increased resource conservation and waste diversion. The target of reducing wastes by 50 percent by year 2000 remains in effect.

The move will allow companies to focus on the waste reduction while eliminating excessive paperwork by removing the requirement to do audits.

The ministry also intends to incorporate the provisions of O.Reg. 102/94 and O.Reg. 104/94 into its revised General Waste Management Regulation (O.Reg. 347).

Timetable for Action

The revised regulations are scheduled to be posted on the EBR Registry, for public comment, during February of 1998.

WATER QUALITY

Current regulation

O.Reg. 77/92, Certificates of Approval
(Under the Environmental Protection Act)

Exempts ground source heat pumps from Certificates of Approval requirements (under section 9 of the EPA unless Methanol is used).

Preliminary discussions

Since safer heat transfer fluids are now available, the ministry proposed revising O.Reg. 77/92 to prohibit the use of methanol as a heat transfer fluid in ground source heat pumps.

Four submissions contained comments all of which supported this proposal. Respondents agreed that the proposed amendments would better protect groundwater and provide more certainty in the use of heat transfer fluids.

Benefits of reform

Methanol is extremely toxic and poses a threat to groundwater quality. Methanol should not be used in ground source heat pumps since less toxic alternatives, such as denatured ethanol, are now readily available. Therefore, the ministry intends to amend O.Reg. 77/92 to prohibit the use of methanol in new heat pumps.

The ban on methanol in heat pumps would prevent the potential contamination of groundwater in the event of a system failure.

Timetable for Action

The revised regulation is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

WATER QUALITY

Current regulation

O.Reg. 903, Water Wells
(Under the Ontario Water Resources Act)

Sets requirements for the adequate construction, maintenance and abandonment of wells, the licencing of contractors and technicians, and the collection of data in order to prevent the undue deterioration of groundwater and to protect consumers of well water.

The regulation currently makes no distinction in construction standards for wells used for drinking water and other types not used for drinking water such as boreholes.

Preliminary discussions

The ministry proposed a package of amendments to:

- require improved information for all newly constructed wells, and to allow the submission of water well data in electronic format;
- increase the licensing fees for well drillers and contractors and technicians, and decrease the frequency of license renewal; and
- clarify and amend, where necessary, the standards for test holes (wells not used for drinking purposes).

A total of fourteen submissions contained comments on this proposal. Professional associations supported the changes in data submission, although some respondents raised concerns related to costs and resource management.

Most respondents were in favour of the amendments dealing with licence fees and renewals. The two submissions commenting on the test hole standards supported the proposals.

Benefits of reform

The ministry intends to revise O.Reg. 903 to: improve the transmission of water well data, increase the licensing fees for well drillers and contractors/technicians, and provide new standards for well construction, including standards for those wells not intended to supply drinking water. The reforms were developed in consultation with, and are supported by, the Ontario Groundwater Association.

Construction standards will be higher for wells that supply potable water in order to ensure protection of the drinking water supply. Standards for other types of wells, such as construction test wells, will be designed to protect groundwater from contamination. In both cases, environmental protection is ensured.

Increased licensing fees will encourage more responsible and professional operation within the drilling industry and consistent with similar provincially-licensed activities (such as those that apply to pesticide operators and plumbers).

Timetable for Action

The revised regulation is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

WATER QUALITY

Current regulation	Preliminary discussions	Benefits of reform
<p>Effluent Monitoring and Effluent Limits Regulations: O.Reg. 63/95, Organic Chemical Manufacturing Sector; O.Reg. 64/95, Inorganic Chemical Sector; O.Reg. 214/95, Iron and Steel Manufacturing Sector; O.Reg. 215/95, Electric Power Generation Sector; O.Reg. 537/93, Petroleum Sector; O.Reg. 560/94, Metal Mining Sector; O.Reg. 561/94, Industrial Minerals Sector; O.Reg. 562/94, Metal Casting Sector; O.Reg. 760/93, Pulp and Paper Sector. (all under the Environmental Protection Act)</p> <p>Nine regulations, developed under the Municipal-Industrial Strategy for Abatement (MISA) program, to limit the concentration of specific compounds being discharged directly into Ontario's waterways.</p>	<p>Since 1989, the MISA monitoring regulations have required extensive monitoring and reporting of effluent quality. For companies that consistently demonstrate that they can meet and comply with effluent limits, the ministry has proposed amending the monitoring-related provisions to:</p> <ul style="list-style-type: none"> • reduce the frequency of chronic toxicity testing (only sufficient data has been collected); and • remove monitoring requirements and effluent limits for substances that are no longer used, produced or stored on site. <p>The ministry will allow for the storage and transmittal of data in a user friendly format (using alternative computer software).</p> <p>Six submissions contained comments on the toxicity testing proposal, four of which supported the amendment. The two not in favour stated that the chronic toxicity data is not useful and the testing requirement should be deleted.</p>	<p>Currently the incentive programs that reward excellent performance in the inorganic and organic chemical sectors have not been provided to the other MISA-regulated sectors. To promote environmental protection and create consistency across the sectors, the ministry intends implement a package of amendments:</p> <ul style="list-style-type: none"> • to reduce the frequency of chronic toxicity testing from semi-annually to annually (provided that three years of monitoring have been completed and that enough data has been collected to ascertain the safety of the effluent); • remove effluent limits for substances that are not used, produced or stored on site, and require annual monitoring for effluent characterization for these substances (if use, production or storage resumes, monitoring will also resume); and • reduce daily monitoring requirements for some parameters if a site's performance surpasses permitted limits for 12 consecutive months (this would entail extending the relevant provisions in O.Reg. 63/95 to all nine MISA regulations). <p>The ministry will permit the transmittal of data in alternate formats.</p> <p>The proposed reforms would encourage better environmental management practices. Effectiveness is improved by adding an incentive to reduce emissions, while efficiency is improved through the elimination of unnecessary reporting and monitoring activities.</p>

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WATER QUALITY

Current regulation

Preliminary discussions

Benefits of reform

(CONTINUED FROM PREVIOUS PAGE)

There was general support for amending the monitoring requirements and permitting the submission of data in user friendly formats. There was a recommendation that a certain level of monitoring be maintained to ascertain that a chemical is not used, produced or stored on site.

Provisions to permit the transmittal of data in a more user friendly format will ease the administrative burden on companies which employ different software or record-keeping systems. In addition, this move should increase the effectiveness of the data transmission system.

Timetable for Action

The revised regulations are scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

O.Reg. 902, Rate of Interest
(Under the Ontario Water Resources Act)

Stipulates a 5.0 percent interest rate be used to calculate loan repayments from municipalities for water and sewage plants built by the province.

The regulation has been superseded by the rate setting function of the Ontario Financing Authority and is no longer applicable. The ministry proposed to revoke O.Reg. 902.

No comments were submitted relating to this proposal.

The Rate of Interest Regulation has been superseded by the operations of the Ontario Financing Authority, and is inconsistent with current provincial rate setting policy. Therefore, the ministry intends to reduce regulatory clutter and minimize confusion by proceeding with the revocation of O.Reg. 902.

Revocation is supported by the primary stakeholders: the Ontario Clean Water Agency, Provincial Financing Authority, and municipalities.

Timetable for Action

A notice is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

WATER QUALITY

Current regulation

O.Reg. 760/93, Pulp and Paper Regulation

(Under the Environmental Protection Act)

One of the MISA-related sector regulations which limits the concentration of specific compounds being discharged into Ontario's waterways from the pulp and paper sector.

The level of AOX (total adsorbable organic halides) in pulp and paper mill effluents is used as an indicator of the chlorinated compounds discharged into the environment. Under O.Reg. 760/93, kraft mills are required to reduce AOX to 0.8 kilograms per tonne of pulp by 1999, and to submit reports to the ministry on how they intend to reduce AOX levels to zero by 2002.

Preliminary discussions

The ministry originally proposed removing the regulatory reference to the zero AOX goal, and eliminate the requirement that companies submit reports on how they could attain such a goal.

There were 24 submissions containing comments related to this initiative. Nine of the respondents, representing industry and industrial associations, supported the proposals.

A number of respondents believed the ministry proposals were premature based on the available evidence. Some respondents recommended that lowering the AOX limit may be a better alternative.

Benefits of reform

The ministry intends to maintain the goal of zero AOX and advance the AOX limit (of 0.8 kg per tonne of pulp) to December, 1997, from December, 1999. The ministry will schedule a review and assessment in the year 2000 of the science on AOX in relation to the ministry's goal of eliminating the generation of AOX. The review will be based, in part, on the research obtained from the University of Toronto's consortium characterizing pulp and paper effluents. The ministry is contributing to this scientific research.

Pending the results of this scientific study, that will be completed by the year 2000, companies will not be required to submit further reports on eliminating AOX.

The proposed revisions ensure continued environmental protection by maintaining the zero AOX goal and advancing the AOX limit to 1997.

Timetable of Action

The revised regulation is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

WATER QUALITY

Current regulation

O.Reg. 351, Marinas Regulation
(Under the Environmental Protection Act)

Instructs marinas to provide properly operated containers for litter and pump-out facilities.

Preliminary discussions

The ministry proposed to revoke the regulation and replace it with a voluntary Code of Practice that would go beyond the current regulatory requirements and recommend comprehensive environmental protection practices for marinas and yacht clubs.

There were 13 submissions containing comments related to this initiative. Of these, 12 were critical of the proposal. There was concern that not all marinas were likely to adopt a voluntary Code. It was recommended that a Code of Practice should supplement the existing regulation, not replace it.

Benefits of reform

The ministry now intends to maintain the existing regulation while supplementing it with the "Clean Marine Practices Handbook", a voluntary code of practice which has been developed by the Ontario Marina Operator's Association as part of the Clean Marine Partnership. The handbook covers a much wider range of environmental concerns (e.g. use of anti-fouling paints, boat cleaning, bilge water disposal, anti-freeze use and disposal, gasoline handling). This proactive initiative will contribute to improved environmental protection.

Marina operators will monitor compliance with the Code, while the ministry will focus its compliance efforts on the regulation and the prevention of other significant environmental risks, such as fuel spills.

Timetable for Action

The handbook was completed in early 1997 and a number of marinas have already received training in clean marine practices. A decision file will be posted in December of 1997.

WATER QUALITY

Current regulation

O.Reg.435/93, Water and Wastewater Operator Certification

Requires that drinking water and domestic sewage treatment systems be classified and that operators be trained and licensed in skills appropriate to that class.

Preliminary discussions

The current regulation is cumbersome, especially for operators of small systems, and the definition of "operator" is unclear. The ministry proposed to amend Water and Wastewater Operator Certification regulation to:

- include definitions of water distribution and wastewater collection systems operators;
- limit the operator-in-training licence to five years and make such licenses non-renewable;
- prohibit an operator-in-training from being placed as an operator-in-charge of a facility;
- allow a back-up operator to perform duties for 150 days per year (up from the current 120 days);
- allow Directors to issue conditional licences in special circumstances and lower classifications (for package plants); and
- increase the threshold level for small seasonal campgrounds and resorts, eligible for an exemption, to 200,000 L/day capacity.

The reforms were developed in conjunction with, and supported by, the Ontario Water Works Association, Water Environment Association of Ontario, municipalities, labour unions representing operators, and other stakeholders.

Benefits of reform

The ministry plans to proceed with its original package of amendments to the Water and Wastewater Operator Certification regulation. These changes will elevate the overall level of training necessary for operation of sewer and water facilities, contributing to improved environmental protection. The amendments will also be more effective in requiring a fully certified operator in place at all times.

The current regulation is unclear as to whether operators of simple pumping, piping and distribution systems require certification. This new operator definitions will clarify which occupational groups require certification. Such operators should be able to reduce training and certification costs.

Directors will be accorded some discretionary flexibility to allow for lower operator classifications in special situations, for example, where package equipment is used or in temporary situations.

The threshold limit for campgrounds and resorts would exempt small seasonal operations from the requirement to have a formally certified operator, but would still require a form of correspondence training.

Timetable for Action

The revised regulation is scheduled to be posted on the EBR Registry, for public comment, in December of 1997.

NEED MORE INFORMATION?

For further information on regulatory reform or details on how to get involved in future environmental decision-making initiatives, contact:

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This report may also be accessed through the ministry's Internet website:
<http://www.ene.gov.on.ca>