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Environmental Protection Act

[ONTARIO REGULATION 347/12](https://www.ontario.ca/laws/regulation/R12347)

REGISTRATIONS UNDER PART II.2 OF THE ACT — AUTOMOTIVE REFINISHING

**Consolidation Period:** From March 6, 2015 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [43/15](https://www.ontario.ca/laws/regulation/R15043).

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This is the English version of a bilingual regulation.

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Interpretation

**1.**In this Regulation,

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

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

“business day” means a day that is not a Saturday or a holiday within the meaning of section 87 of the Legislation Act, 2006; (“jour ouvrable”)

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

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

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

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

“HVLP spray equipment” means equipment,

(a) that bears a permanent label identifying the equipment as HVLP spray equipment,

(b) that is used to apply coating at a high volume and under low pressure, and

(c) that is designed and operated with an atomizing air pressure between 0.1 and 10 pounds per square inch, as measured at the centre of the air cap and the centre of the air cap horns; (“équipement de pulvérisation HVBP”)

“Niagara Escarpment Planning Area” has the same meaning as in the Niagara Escarpment Planning and Development Act; (“zone de planification de l’escarpement du Niagara”)

“noise receptor” means a permanent or seasonal residence, hotel, motel, long-term care home, retirement home, hospital, campground, child care facility, educational facility or place of worship and includes a vacant lot that has been zoned to permit such a building or campground; (“récepteur de bruit”)

“property boundary” means,

(a) in respect of a noise receptor, the boundary of the property on which the noise receptor is situated, and

(b) in respect of an automotive refinishing facility, the boundary of the property on which the automotive refinishing facility is situated; (“limite de propriété”)

“sewage works” has the same meaning as in the Ontario Water Resources Act; (“station d’épuration des eaux d’égout”)

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

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

“waste management system” has the same meaning as in Part V of the Act. (“système de gestion des déchets”) O. Reg. 347/12, s. 1.

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

**2.**(1)  Subject to subsections (3) and (4), the following are prescribed activities for the purposes of subsection 20.21 (1) of the Act:

1. The use, operation, construction, alteration, extension or replacement of any structure, equipment, apparatus, mechanism or thing that is used for automotive refinishing at an automotive refinishing facility that meets the criteria set out in subsection (2) and that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water.

2. The alteration of a process or rate of production with respect to any structure, equipment, apparatus, mechanism, or thing that is used for automotive refinishing at an automotive refinishing facility that meets the criteria set out in subsection (2) if the alteration may result in,

i. a contaminant being discharged into any part of the natural environment other than water, or

ii. the rate or manner of discharge of a contaminant into any part of the natural environment other than water being altered. O. Reg. 347/12, s. 2 (1).

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

1. If the facility is located in a building that is wholly occupied by the facility, the facility has at least one and not more than three spray booths and does not exceed a facility-wide coating application rate of six litres per hour under normal operation.

2. If the facility is located in a building that contains more than one unit, at least one of which is not occupied by the facility, the facility has only one spray booth and does not exceed a facility-wide coating application rate of two litres per hour under normal operation.

3. For each of the facility’s spray booths, the distance, measured horizontally, between the following two points is not less than the distance set out in Column 2 of Table 1 of this subsection for the facility’s facility-wide coating application rate under normal operation set out opposite in Column 1 of that Table:

i. The centre of the spray booth’s exhaust stack.

ii. The point located on the property boundary of the facility and closest to the spray booth’s exhaust stack.

4. If the facility contains one or more spray booths that are served by fans that are indoors, for each of those spray booths one of the following criteria is met:

i. The distance, measured horizontally, between the following two points is not less than the distance set out in Column 2 of Table 2 of this subsection for the number of spray booths in the facility served by indoor fans set out opposite in Column 1 of that Table:

A. The centre of the spray booth’s exhaust stack.

B. The point located on the property boundary of any noise receptor and closest to the spray booth’s exhaust stack.

ii. Acoustic barriers that have a density of at least 12 kilograms per square metre are installed that block the direct line of sight between the exhaust stack of every spray booth in the facility served by indoor fans and every noise receptor in respect of which the distance, measured horizontally, between the following two points is less than the distance set out in Column 2 of Table 2 of this subsection for the number of spray booths in the facility served by indoor fans set out opposite in Column 1 of that Table:

A. The centre of the spray booth’s exhaust stack.

B. The point located on the property boundary of any noise receptor and closest to the spray booth’s exhaust stack.

5. If the facility contains one or more spray booths that are served by fans that are outdoors, for each of the outdoor fans one of the following criteria is met:

i. The distance, measured horizontally, between the following two points is not less than the distance set out in Column 2 of Table 3 of this subsection for the number of spray booths in the facility served by outdoor fans set out opposite in Column 1 of that Table:

A. The outdoor fan.

B. The point located on the property boundary of any noise receptor and closest to the outdoor fan.

ii. Acoustic barriers that have a density of at least 12 kilograms per square metre are installed that block the direct line of sight between the outdoor fan and every noise receptor in respect of which the distance, measured horizontally, between the following two points is less than the distance set out in Column 2 of Table 3 of this subsection for the number of spray booths in the facility served by outdoor fans set out opposite in Column 1 of that Table:

A. The outdoor fan.

B. The point located on the property boundary of any noise receptor and closest to the outdoor fan.

6. The wastewater from the facility, if any,

i. is transferred to a waste management system,

A. that is subject to an environmental compliance approval, or

B. in respect of which an activity has been registered for the purposes of subsection 20.21 (1) of the Act,

ii. is discharged to a sewage works that is subject to an environmental compliance approval, or

iii. is discharged to a municipal sanitary sewer.

7. If the facility is located in an area of development control within the Niagara Escarpment Planning Area, any development permit required under section 24 of the Niagara Escarpment Planning and Development Act in respect of the facility has been issued and the requirements of this Regulation are not in conflict with any conditions of the permit.

TABLE 1  
DISTANCE FROM FACILITY’S PROPERTY BOUNDARY

|  |  |  |
| --- | --- | --- |
| Item | Column 1  Facility-wide coating application rate under normal operation in litres per hour | Column 2  Distance in metres |
| 1. | ≤ 2 | 0 |
| 2. | > 2 to ≤ 3 | 20 |
| 3. | > 3 to ≤ 4 | 38 |
| 4. | > 4 to ≤ 5 | 55 |
| 5. | > 5 to ≤ 6 | 75 |

TABLE 2  
DISTANCE FROM NOISE RECEPTOR’S PROPERTY BOUNDARY — INDOOR FANS

|  |  |  |
| --- | --- | --- |
| Item | Column 1  Number of spray booths in the facility served by indoor fans | Column 2  Distance in metres |
| 1. | 1 | 40 |
| 2. | 2 | 55 |
| 3. | 3 | 75 |

TABLE 3  
DISTANCE FROM NOISE RECEPTOR’S PROPERTY BOUNDARY — OUTDOOR FANS

|  |  |  |
| --- | --- | --- |
| Item | Column 1  Number of spray booths in the facility served by outdoor fans | Column 2  Distance in metres |
| 1. | 1 | 60 |
| 2. | 2 | 85 |
| 3. | 3 | 120 |

O. Reg. 347/12, s. 2 (2); O. Reg. 43/15, s.  1 (1, 2).

(2.1)  For the purposes of paragraphs 4 and 5 of subsection (2), a noise receptor does not include any building or campground that is located on the property on which the automotive refinishing facility is or will be situated. O. Reg. 43/15, s. 1 (3).

(3)  This section does not apply in respect of any activities relating to the construction of a structure, equipment, apparatus, mechanism or thing that is used in an automotive refinishing facility for the purposes of automotive refinishing that are carried out at a site other than the automotive refinishing facility. O. Reg. 347/12, s. 2 (3).

(4)  This section does not apply in respect of activities engaged in at an automotive refinishing facility that meets any of the following criteria:

1. The facility manufactures motor vehicles or motor vehicle parts.

2. The facility is primarily engaged in the replacement and repair of glass with respect to motor vehicles.

3. The facility is primarily engaged in the repair of mechanical or electrical components of motor vehicles.

4. The facility is a mobile refinishing facility.

5. The facility controls the emissions from a spray boothusing water wash filtration. O. Reg. 347/12, s. 2 (4).

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

**3.**(1)  A person who engages in an activity prescribed by section 2 is exempt from clauses 20.21 (1) (a) and (b) of the Act in respect of the activity if,

(a) the activity is engaged in at an automotive refinishing facility in respect of which the person has previously registered an activity prescribed by section 2 of this Regulation; and

(b) the registration in respect of the previously registered activity is not suspended and has not been removed from the Registry. O. Reg. 347/12, s. 3 (1).

(2)  A person who engages in the alteration of a rate of production with respect to any structure, equipment, apparatus, mechanism or thing that is used in an automotive refinishing facility for the purposes of automotive refinishing is exempt from clauses 20.21 (1) (a) and (b) of the Act if the alteration results in a facility-wide coating application rate under normal operation that is less than the maximum rate set out in Column 1 of Table 1 of subsection 2 (2) opposite the distance set out in Column 2 of that Table that must be met or exceeded for the purpose of meeting the criterion set out in paragraph 3 of subsection 2 (2). O. Reg. 347/12, s. 3 (2).

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

**4.**(1)  For the purposes of clause 20.21 (1) (c) of the Act, a person who engages in an activity prescribed by section 2 of this Regulation at an automotive refinishing facility shall ensure that the following requirements are complied with:

1. The facility’s spray boothfiltration systems, coating application equipment, spray booths and other associated equipment shall be used, operated and maintained in a manner that satisfies the recommendations of the manufacturers of the systems, booths or equipment.

2. The coatings that are used at the facility shall,

i. meet the requirements of the Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations, SOR-2009/197 made under the Canadian Environmental Protection Act, 1999,

ii. be applied only within a spray booth,

iii. be applied only between the hours of 7 a.m. and 7 p.m.,

iv. with respect to being water-based or solvent-based, be kept separate while stored or used and not be mixed together when disposed of, and

v. be applied only by use of one of the following pieces of equipment:

A. HVLP spray equipment that is identified by the manufacturer of the equipment as having a minimum transfer efficiency of 65 per cent.

B. Electrostatic spraying equipment.

C. Any other coating application equipment that is accompanied by documentation from the manufacturer of the equipment that states the equipment has a minimum transfer efficiency of 65 per cent.

3. Subject to subsection (2), the facility’s spray booth exhaust stacks shall be vertical with no flow impediments and shall discharge at a velocity of not less than 12 metres per second.

4. Subject to subsection (2), the minimum height, above ground, of each of the facility’s spray booth exhaust stacks shall be,

i. if the height of the building is completely uniform, at least 1.5 times the height of the building, and

ii. if the height of the building is not completely uniform, at least 1.5 times the height of the building where the stack is located and at least as high as the highest point of the building.

5. All the intake or exhaust fans related to the facility’s spray booths shall be used and operated only between the hours of 7 a.m. and 7 p.m..

6. The facility’s spray booths shall be equipped with filters that are specified by the manufacturer of the filters to remove at least 95 per cent of particles from the spray booth exhaust stack’s emissions.

7. The facility-wide coating application rate shall not exceed the maximum rate set out in Column 1 of Table 1 of subsection 2 (2) opposite the distance set out in Column 2 of that Table that must be met or exceeded for the purpose of meeting the criterion set out in paragraph 3 of subsection 2 (2).

8. Any structure, equipment, apparatus, mechanism or thing that is used or operated in the facility for the purpose of sanding, grinding or buffing of motor vehicles or motor vehicle parts shall be used or operated only if all doors to the exterior of the facility are closed, except to allow for the normal ingress and egress of vehicles and personnel.

9. The person engaging in the activity or the manager of the facility if the person engaging in the activity does not manage the facility, and all personnel engaged in the use of coatings at the facility, shall have received training in accordance with section 4.3 of the Canadian Council of Ministers of the Environment publication entitled National Standards and Guidelines for the Reduction of Volatile Organic Compounds from Canadian Commercial/Industrial Surface Coating Operations – Automotive Refinishing, dated October 1998, as amended from time to time and available on the Council’s website.

10. If the person receives a complaint with respect to the facility and the complaint relates to the natural environment, the district manager of the Ministry for the district in which the facility is located shall be notified of the complaint no later than two business days after the complaint is received. O. Reg. 347/12, s. 4 (1).

(2)  If a person engages in an activity prescribed by section 2 at an automotive refinishing facility and an environmental compliance approval was in effect in respect of the facility on October 31, 2011, paragraphs 3 and 4 of subsection (1) do not apply in respect of a spray booth exhaust stack that was part of the facility at the time the approval was issued, unless a change has been made to the spray booth exhaust stack since the time the approval was issued. O. Reg. 347/12, s. 4 (2).

Records

**5.**(1)  A person who engages in an activity prescribed by section 2 shall ensure that each of the following records is retained for a period of five years from the day it is created:

1. A record of the following information with respect to each coating application at the automotive refinishing facility:

i. The date, time and duration of the application.

ii. The name and manufacturer of each coating used.

iii. The amount in litres of each coating used.

2. A record of the following information with respect to each inspection, maintenance and repair of any structure, equipment, apparatus, mechanism or thing that is used in the automotive refinishing facility for the purposes of automotive refinishing:

i. The date and a summary of the inspection, maintenance or repair.

ii. The name of the person who performed the inspection, maintenance or repair.

iii. If the person referred to in subparagraph ii is an employee, the name of the person’s employer or the name of the business that employs the person.

iv. A summary of any unsatisfactory conditions observed or discovered and the steps taken to correct such conditions.

3. A copy of every document relating to each inspection, maintenance and repair mentioned in paragraph 2.

4. A record of the following information with respect to each complaint received by the person with respect to the automotive refinishing facility, if the complaint relates to the natural environment:

i. The date and time when the complaint was received.

ii. A copy of the complaint, if it is a written complaint.

iii. A summary of the complaint, if it is not a written complaint.

iv. A summary of measures taken, if any, to address the complaint. O. Reg. 347/12, s. 5 (1).

(2)  A person who engages in an activity prescribed by section 2 shall ensure that each of the following records in respect of an item that is used in the automotive refinishing facility is retained for the period during which the item is used as part of the facility:

1. A record of the following information with respect to each of the automotive refinishing facility’s spray booths:

i. The name of the manufacturer and the model number, if any, of the spray booth.

ii. The name of the manufacturer and model number, if any, of all spray equipment.

iii. The name of the manufacturer and model number, if any, of all spray booth exhaust filtration systems.

iv. The name of the manufacturer, model number, if any, and rating in cubic metres per second of all spray booth exhaust fans.

2. Documents relating to the recommendations of the manufacturer of each item mentioned in paragraph 2 of subsection (1) with respect to the use, operation and maintenance of the item.

3. If any equipment described in sub-subparagraph 2 v A or C of subsection 4 (1) is used at the facility, copies ofdocuments provided by the manufacturer of the equipment that specify the transfer efficiency of the equipment. O. Reg. 347/12, s. 5 (2).

(3)  A person who engages in an activity prescribed by section 2 shall ensure that,

(a) a record containing a list of the persons responsible for the use, operation and maintenance of the facility is retained for the period during which the persons on the list are responsible for the use, operation and maintenance of the facility; and

(b) a record of the training, including course names and dates, undertaken by each person who has received training referred to in paragraph 9 of subsection 4 (1) is retained for the period during which the person is engaging in the activity at the facility, managing the facility or engaging in the use of coatings at the facility. O. Reg. 347/12, s. 5 (3).

Prescribed date approval ceases to have effect

**6.**For the purposes of clause 20.17 (b) of the Act, October 31, 2021 is prescribed as the day on which an environmental compliance approval issued in respect of any activity to which this Regulation applies ceases to apply to that activity. O. Reg. 347/12, s. 6; O. Reg. 43/15, s. 2.

7.  Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 347/12, s. 7.

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