[Français](http://www.ontario.ca/fr/lois/reglement/980524)

Environmental Protection Act

ONTARIO REGULATION 524/98

Environmental Compliance Approvals — Exemptions from Section 9 of the Act

**Consolidation Period:** From February 3, 2017 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [14/17](https://www.ontario.ca/laws/regulation/R17014).

Legislative History: 505/99, [273/03](https://www.ontario.ca/laws/regulation/R03273), [110/07](https://www.ontario.ca/laws/regulation/R07110), [256/11](https://www.ontario.ca/laws/regulation/R11256), [99/12](https://www.ontario.ca/laws/regulation/R12099), [352/12](https://www.ontario.ca/laws/regulation/R12352), [41/15](https://www.ontario.ca/laws/regulation/R15041), [14/17](https://www.ontario.ca/laws/regulation/R17014).

This is the English version of a bilingual regulation.

Definitions

**0.1**  (1)  In this Regulation,

“cooling tower” means a structure or device used to transfer heat to the air through evaporative cooling, and includes an evaporative condenser; (“tour de refroidissement”)

“drift eliminator” means a baffle or other device in a cooling tower that is used to remove entrained water droplets from cooling tower exhaust; (“éliminateur de gouttelettes”)

“electricity generation engine” means a reciprocating engine that is used to generate electricity; (“moteur de groupe électrogène”)

“evaporative cooling” means cooling that results from evaporation that takes place when air and water are brought into direct contact with each other; (“refroidissement par évaporation”)

“exhaust stack”, in respect of a standby power system, means the part of the system from which contaminants captured from the use of the system are discharged into the air; (“cheminée d’évacuation”)

“HVAC system” means, subject to subsection (2), any apparatus or mechanism, and any related fuel tanks, piping, ducts, vents, equipment or other thing, that is used,

(a) to heat water for domestic purposes, or

(b) to produce heat or to provide that heat, or to provide cooling or ventilation, to the interior of a building or structure for,

(i) the comfort of the occupants,

(ii) the maintenance of the building or structure, or

(iii) the provision of a suitable temperature for materials, plant or animal life; (“système CVCA”)

“NAICS” means the North American Industry Classification System maintained for Canada by Statistics Canada, as amended or revised from time to time; (“SCIAN”)

“printing facility” has the same meaning as in Ontario Regulation 349/12 (Registrations Under Part II.2 of the Act — Printing) made under the Act. (“imprimerie”)

“private school” has the same meaning as in subsection 1 (1) of the Education Act; (“école privée”)

“school” has the same meaning as in subsection 1 (1) of the Education Act; (“école”)

“standby power system” means any apparatus, mechanism, equipment or other thing, and any related exhaust stacks, fuel tanks and piping, that includes one or more electricity generation engines and that is intended to be used only for the provision of electrical power during power outages or involuntary power reductions. (“système d’alimentation électrique d’appoint”) O. Reg. 41/15, s. 1; O. Reg. 14/17, s. 1 (1).

(2)  The definition of “HVAC system” in subsection (1) does not include a ground source heat pump as defined in Ontario Regulation 98/12 (Ground Source Heat Pumps). O. Reg. 14/17, s. 1 (2).

Exemptions from s. 9 of the Act

**1.**(1)  Section 9 of the Act does not apply to:

1. Any equipment, apparatus, mechanism or thing, other than equipment that subjects waste to incineration, gasification, pyrolysis, plasma arc treatment or another method of thermal treatment, that,

i. is associated with a dwelling in a building or structure that contains one or more permanent or seasonal dwellings, and

ii. is used by the occupants of not more than three dwellings in the building.

2. Any equipment, apparatus, mechanism or thing that is used, at the site of a building or structure, for the construction, alteration, demolition, drilling or blasting of the building or structure.

3. Fuel burning equipment used to provide comfort heating in a building, if,

i. the equipment uses no fuel other than No. 2 fuel oil that has a sulphur content of 0.5 per cent or less measured by weight, propane or natural gas, and

ii. the total thermal input of all the fuel burning equipment that is used to provide comfort heating in the building is less than 1.58 million kilojoules per hour.

4. A masonry fireplace constructed on site and used to provide comfort heating in a building.

4.1 Wood fuel burning equipment used to provide comfort heating in a building if,

i. the equipment is rated for a maximum thermal output of 50 kilowatts or less, and

ii. the wood fuel used is manufactured fire logs or untreated wood, which may include wood briquettes, wood chips, wood pellets or firewood.

5. An air conditioning unit, other than a ground source heat pump as defined in Ontario Regulation 98/12 (Ground Source Heat Pumps) made under the Act.

6. Any equipment, apparatus, mechanism or thing, other than a cooling tower, that is used for the transfer of outdoor air into a building or structure.

7. Any equipment, apparatus, mechanism or thing that is used for the ventilation of indoor air out of,

i. a space that is used for a purpose other than laboratory analysis, the production, processing, repair, maintenance or storage of goods or materials, or the processing, storage, transfer or disposal of waste,

ii. a space that is used for laboratory analysis, the production, processing, repair, maintenance or storage of goods or materials, or the processing, storage, transfer or disposal of waste, if the equipment, apparatus, mechanism or thing does not discharge any contaminant produced by those activities, other than heat or noise, out of the space,

iii. a parking garage, or

iv. a building that is used solely for the purpose of handling or baling empty household aerosol cans.

8. Any equipment, apparatus, mechanism or thing that is used for the ventilation of a drainage system as defined in the building code made under the Building Code Act, 1992.

8.1 Any equipment, apparatus, mechanism or thing that is used for the ventilation of emissions from a motor vehicle or locomotive that is used to transport things into, out of or within a warehouse or enclosed storage area.

8.2 Any equipment, apparatus, mechanism or thing that is used for the purpose of charging batteries in motor vehicles or equipment.

9. Any equipment, apparatus, mechanism or thing that is used for the preparation of food or beverages in,

i. a restaurant, snack bar, cafeteria, banquet hall or similar facility, if the primary business of the facility does not include the preparation of food or beverages for wholesale distribution or for sale to retail facilities,

ii. a place where the food or beverages are sold or distributed solely for charitable purposes,

iii. a facility for consumer production of beer or wine, or

iv. a mobile facility.

9.1 Any equipment, apparatus, mechanism or thing that uses ethylene solely for the purpose of ripening fruits or vegetables.

10. Any equipment, apparatus, mechanism or thing that is used for cleaning operations or for combined cleaning and drying operations, if only aqueous detergent solutions are used for cleaning.

11. Any equipment, apparatus, mechanism or thing that is used for fire fighting operations or training exercises, other than a fuel-fired generator set.

12. A forestry burn conducted under the authority of a permit issued under the Forest Fires Prevention Act or the Conservation Authorities Act.

13. Any mobile equipment that is used for,

i. snow-making,

ii. the cleaning of ducts, carpets or upholstery,

iii. the removal of asbestos, or

iv. the crushing or screening of aggregate, if the mobile equipment is located below grade in a pit or quarry that is operated in accordance with a licence or permit issued under the Aggregate Resources Act.

14. A lagoon, clarifier or pond that is used for the treatment or detention of sewage.

15. A source of visible light radiation intended for the purpose of advertising or illumination.

16. Any equipment, apparatus, mechanism or thing that is used at a retail facility to dispense natural gas or propane to vehicles or for direct sale.

17. A racecourse that is used for the racing of horses, dogs or motorized or non-motorized vehicles or boats, if the only contaminants emitted from the racecourse, other than contaminants emitted by equipment, apparatus, mechanisms or things that are exempt from section 9 of the Act, are noise, vibration, odour and dust attributable to the races.

18. Any equipment, apparatus, mechanism or thing that is used during an outdoor entertainment, artistic or sporting event, including an outdoor festival, fair, parade, fireworks display, art show, air show or car show, but not including a race of horses, dogs or motorized or non-motorized vehicles or boats.

19. An outdoor shooting range, if the only contaminants emitted from the shooting range, other than contaminants emitted by equipment, apparatus, mechanisms or things that are exempt from section 9 of the Act, are attributable to the discharge of firearms.

20. Any equipment, apparatus, mechanism or thing that is used solely to mitigate the effects of an emergency declared to exist under the Emergency Management and Civil Protection Act.

21. Any equipment, apparatus, mechanism or thing that is part of a large municipal residential system or a small municipal residential system, as those systems are defined in Ontario Regulation 170/03 (Drinking Water Systems) made under the Safe Drinking Water Act, 2002.

22. Any plant, structure, equipment, apparatus, mechanism or thing that is a part of a solar facility in respect of which activities are prescribed under Ontario Regulation 350/12 made under the Act for the purposes of subsection 20.21 (1) of the Act, unless an order is in effect under section 20.18 of the Act in respect of the facility.

23. Any structure, equipment, apparatus, mechanism or thing that is used in a printing facility of a class identified by NAICS code 561430 (Business service centres) or 812922 (One-hour photo finishing).

24. Any equipment, apparatus, mechanism or thing that is used at a school or a private school.

25. An HVAC system that meets the following criteria:

i. If the HVAC system includes one or more combustion units,

A. each combustion unit uses only natural gas, propane or both natural gas and propane as fuel, and

B. the thermal input rating of each combustion unit is not greater than 10.5 million kilojoules per hour.

ii. If the HVAC system includes a cooling tower, drift loss from the cooling tower is controlled by drift eliminators.

26. A standby power system that meets the criteria set out in subsection (6.3). O. Reg. 524/98, s. 1 (1); O. Reg. 505/99, ss. 1 (1-5); O. Reg. 273/03, s. 1; O. Reg. 110/07, s. 1; O. Reg. 99/12, s. 1; O. Reg. 352/12, s. 1; O. Reg. 41/15, s. 2; O. Reg. 14/17, s. 2 (1-3).

(2)  Paragraph 2 of subsection (1) does not apply to any equipment, apparatus, mechanism or thing that is used for the construction, alteration, demolition, drilling or blasting of a mine shaft. O. Reg. 505/99, s. 1 (6).

(3)  Paragraph 4.1 of subsection (1) does not apply to an outdoor boiler. O. Reg. 505/99, s. 1 (6); O. Reg. 14/17, s. 2 (4).

(4)  Paragraph 9 of subsection (1) does not apply to any equipment, apparatus, mechanism or thing that is used in connection with a coffee roasting operation. O. Reg. 505/99, s. 1 (6).

(5)  Paragraph 10 of subsection (1) does not apply to,

(a) any equipment, apparatus, mechanism or thing that is used in connection with a dry cleaning operation; or

(b) any fuel burning equipment, apparatus, mechanism or thing, unless,

(i) the equipment, apparatus, mechanism or thing uses no fuel other than No. 2 fuel oil that has a sulphur content of 0.5 per cent or less measured by weight, propane or natural gas, and

(ii) the total thermal input of all fuel burning equipment, apparatus, mechanisms and things at the site is less than 1.58 million kilojoules per hour. O. Reg. 505/99, s. 1 (6).

(6)  Subparagraph 13 ii of subsection (1) does not apply to any equipment, apparatus, mechanism or thing that is used in connection with a dry cleaning operation. O. Reg. 505/99, s. 1 (6).

(6.1)  Paragraph 24 of subsection (1) does not apply to the following equipment, apparatus, mechanism or thing:

1. Fuel burning equipment that is not fuel burning equipment described in paragraph 3 of subsection (1).

2. A masonry fireplace that is not a masonry fireplace described in paragraph 4 of subsection (1).

3. Wood fuel burning equipment that is not wood fuel burning equipment described in paragraph 4.1 of subsection (1).

4. An HVAC system that is not an HVAC system described in paragraph 25 of subsection (1).

5. Any equipment, apparatus, mechanism or thing that is used in the generation of electricity, if the equipment, apparatus, mechanism or thing is not a standby power system described in paragraph 26 of subsection (1).

6. Any equipment, apparatus, mechanism or thing that is used in the remediation of the natural environment. O. Reg. 14/17, s. 2 (5).

(6.2)  Paragraph 25 of subsection (1) does not apply to the following:

1. An HVAC system that provides heat, cooling or ventilation to an industrial or manufacturing process.

2. An HVAC system that derives its heat, cooling or ventilation from an industrial or manufacturing process.

3. An HVAC system that is used in the generation of electricity. O. Reg. 14/17, s. 2 (5).

(6.3)  For the purposes of paragraph 26 of subsection 1 (1), the following criteria must be met:

1. Each exhaust stack that is part of the standby power system and that may discharge a product of combustion from the system into the air is oriented vertically.

2. The standby power system uses only one or more of the following as fuel:

i. Biodiesel.

ii. Diesel.

iii. Natural Gas.

iv. Propane.

3. Each generation unit that is part of the standby power system and that uses diesel or biodiesel as fuel,

i. has been designed by the manufacturer of the unit to meet, at a minimum, the Tier 1 Emission Standards set out in Table 1 of 40 CFR 89.112 (United States), or

ii. is equipped with pollution control equipment specified by the manufacturer of the equipment to limit the discharge of contaminants so that the unit, at a minimum, meets the Tier 1 Emission Standards set out in Table 1 of 40 CFR 89.112 (United States).

4. Each generation unit that is part of the standby power system and that uses propane or natural gas as fuel,

i. has been designed by the manufacturer of the unit to discharge a maximum of 9.2 grams of nitrogen oxides per kilowatt hour, or

ii. is equipped with pollution control equipment specified by the manufacturer of the equipment to limit the discharge of nitrogen oxides to a maximum of 9.2 grams per kilowatt hour. O. Reg. 14/17, s. 2 (5).

(6.4)  In paragraph 3 of subsection (6.3),

“CFR” means the United States Code of Federal Regulations. O. Reg. 14/17, s. 2 (5).

(7)  An exemption under this Regulation from section 9 of the Act does not relieve a person of any other legal duty or obligation, including a duty or obligation arising under an existing environmental compliance approval. O. Reg. 505/99, s. 1 (6); O. Reg. 256/11, s. 2.

Condition, masonry fireplace

**2.**The owner or operator of a masonry fireplace mentioned in paragraph 4 of subsection 1 (1) must ensure that the only fuel used in the masonry fireplace is manufactured fire logs or untreated wood, which may include wood pellets, wood chips, wood briquettes or firewood. O. Reg. 14/17, s. 3.

Condition, HVAC system

**3.**The owner or operator of an HVAC system referred to in subparagraph 25 ii of subsection 1 (1) must ensure that each drift eliminator controlling the drift loss from the tower is installed, used, operated and maintained in a manner that satisfies the recommendations of the manufacturer of the drift eliminator. O. Reg. 14/17, s. 3.

Condition, standby power system

**4.**(1)  The owner or operator of a standby power system referred to in paragraph 26 of subsection 1 (1) must ensure that the following conditions are met:

1. The system is used and operated only for the provision of electrical power during power outages or involuntary power reductions or for testing or performing maintenance on the system.

2. Each electricity generation engine that is part of the system is used and operated for the purpose of testing or performing maintenance for a maximum of 60 hours in any 12-month period.

3. A record is created with respect to the date, time and duration of each occasion when an electricity generation engine that is part of the system is operated for the purpose of testing or performing maintenance. The record must be retained for at least five years after the day it is created.

4. If the Ministry issues a smog advisory that identifies an area in which the system is located, the system is not used or operated for the purpose of testing or performing maintenance until a termination notice with respect to the advisory has been issued for that area.

5. Each exhaust stack that may discharge a product of combustion is free of impediments that would prevent the flow of emissions.

6. Testing and maintenance of the system is conducted in a manner that satisfies the recommendations of the manufacturer of the system and generally accepted standards.

7. If a generation unit that is part of the system is located outdoors, the sound pressure level resulting from the discharge of sound from the unit and related exhaust stacks must not be greater than 75 decibels (A-weighted) at a distance of seven metres from the unit. O. Reg. 14/17, s. 3.

(2)  For the purpose of paragraph 7 of subsection (1), a generation unit is deemed to be located outdoors if the only structure within which the unit is located is a structure whose sole purpose is to soundproof the unit or to protect it from the elements or to do both. O. Reg. 14/17, s. 3.

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