Environmental Protection Act  
Loi sur la protection de l’environnement

ONTARIO REGULATION 60/14

EXPERIMENTAL LAKES AREA

**Consolidation Period:** From March 13, 2014 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

This Regulation is made in English only.

Interpretation

**1.**In this Regulation,

“catchment area” means the area surrounding an experimental lake from which surface run off drains directly into the lake;

“Director” means the Director appointed in respect of section 18 of the Environmental Protection Act;

“experimental lake” means a lake referred to in section 2 that is within the Experimental Lakes Area;

“Experimental Lakes Area” means that part of Ontario that is located at the following Universal Transverse Mercator (UTM) coordinates within a North American Datum 83 (NAD83) datum:

|  |  |  |  |
| --- | --- | --- | --- |
| Item | Column 1  Corner | Column 2  East UTM Coordinate | Column 3  North UTM Coordinate |
| 1. | Northwest corner of area | 428023 E | 5519495 N |
| 2. | Northeast corner of area | 459860 E | 5519507 N |
| 3. | Southeast corner of area | 459860 E | 5480950 N |
| 4. | Southwest corner of area | 428023 E | 5480956 N |

O. Reg. 60/14, s. 1.

Application of Regulation

**2.**(1)  This Regulation applies to scientific experiments conducted on any of the following lakes or within the catchment area associated with any of the lakes: 93, 106, 109, 110, 111, 114, 115, 149, 164, 165, 191, 220, 221, 222, 223, 224, 225, 226, 227, 239, 240, 260, 261, 262, 265, 302, 303, 304, 305, 309, 310, 373, 375, 377, 378, 382, 383, 385, 421, 428, 442, 470, 622, 623, 624, 626, 627, 629, 632, 635, 658, 659, 661, 663, 664, 938, 979 and 980. O. Reg. 60/14, s. 2 (1).

(2)  The Director shall ensure that a map of the Experimental Lakes Area, including the lakes referred to in subsection (1), is made available to the public at the Ministry’s website and at the Ministry’s Northern Region Office. O. Reg. 60/14, s. 2 (2).

Statement of authorization

**3.**(1)  The Director shall issue a statement of authorization in respect of an experiment if the Director is satisfied that the following conditions are met:

1. The experiment has been approved by the expert panel established by the operator of the Experimental Lakes Area for the purpose of evaluating the scientific merit of proposals to conduct research within the Experimental Lakes Area.

2. The experiment is not likely to cause an adverse effect beyond the lake on which the experiment is to be conducted or the lake’s catchment area.

3. The experiment will not cause irreparable harm to the natural environment.

4. There is an appropriate written plan to monitor the natural environment to ensure that,

i. there are no adverse effects beyond the lake on which the experiment is to be conducted or the lake’s catchment area, and

ii. the experiment will not cause irreparable harm to the natural environment.

5. There is an appropriate written plan to manage and, if necessary, remediate the adverse effects resulting from the experiment.

6. There is an appropriate written plan to prevent and manage any unanticipated spill or other unanticipated environmental incident that may occur during the experiment.

7. There is an appropriate written plan to ensure that all persons who may be affected by the conduct of the experiment are given timely notice of the experiment, including the nature of the experiment and when and where it will be conducted. O. Reg. 60/14, s. 3 (1).

(2)  In considering whether a plan referred to in subsection (1) is appropriate, the Director shall consider the nature and circumstances of the proposed experiment and whether the proposed plan will be effective to achieve its intended purpose. O. Reg. 60/14, s. 3 (2).

(3)  A statement of authorization issued under subsection (1) shall specify,

(a) the title of the experiment;

(b) the experimental lake on which the experiment is to be conducted; and

(c) if another lake within the Experimental Lakes Area will be used to measure the results of the experiment on a comparative basis, such other lake. O. Reg. 60/14, s. 3 (3).

(4)  The Director shall give a copy of a statement of authorization issued under subsection (1) to the operator of the Experimental Lakes Area. O. Reg. 60/14, s. 3 (4).

Effect of statement of authorization

**4.**If the Director issues a statement of authorization under section 3, the following provisions of the Act do not apply in respect of the conduct or supervision of the experiment named in the statement of authorization, including any activity permitting the conduct or supervision of the experiment, while the statement of authorization is in effect:

1. Section 6 (Prohibition, contamination generally).

2. Section 7 (Control orders).

3. Section 8 (Stop orders).

4. Section 9 (Approval, plant or production process).

5. Section 13 (Ministry to be notified when contamination exceeds permitted level).

6. Section 14 (Prohibition, discharge of contaminant).

7. Section 15 (When Ministry to be notified, adverse effect).

8. Section 17 (Remedial orders).

9. Section 18 (Order by Director re preventive measures).

10. Section 92 (Notice of spills).

11. Section 93 (Duty to mitigate and restore).

12. Section 97 (Orders by Minister, spills).

13. Section 99.1 (Director’s order for costs and expenses).

14. Section 157 (Order by provincial officer: contraventions).

15. Section 157.1 (Order by provincial officer re preventive measures). O. Reg. 60/14, s. 4.

Statement of non-authorization

**5.**(1)  The Director shall issue a statement of non-authorization in respect of an experiment for which a statement of authorization has been issued if the Director is satisfied that any of the following conditions exist:

1. The experiment has caused an adverse effect beyond the lake on which the experiment is conducted or the lake’s catchment area.

2. The experiment has caused or is likely to cause irreparable harm to the natural environment.

3. A monitoring program is not being carried out to ensure that,

i. there are no adverse effects beyond the lake on which the experiment is conducted or the lake’s catchment area, and

ii. the experiment will not cause irreparable harm to the natural environment. O. Reg. 60/14, s. 5 (1).

(2)  The Director shall give a copy of a statement of non-authorization issued under subsection (1) to the operator of the Experimental Lakes Area. O. Reg. 60/14, s. 5 (2).

(3)  A statement of non-authorization issued under subsection (1) shall specify,

(a) the title of the experiment;

(b) the reasons for issuing the statement of non-authorization; and

(c) the date on which the statement of non-authorization is issued. O. Reg. 60/14, s. 5 (3).

Effect of statement of non-authorization

**6.**(1)  If the Director issues a statement of non-authorization under section 5 with respect to an experiment, the statement of authorization for the experiment is revoked and the provisions referred to in section 4 apply in respect of the conduct or supervision of the experiment, including any activity permitting the conduct or supervision of the experiment, on or after the day the statement of non-authorization is given under subsection 5 (2). O. Reg. 60/14, s. 6 (1).

(2)  For greater certainty, if the Director issues a statement of non-authorization under section 5, an order shall not be issued under any of the sections referred to in paragraphs 2, 3, 8, 9, 12, 13, 14 and 15 of section 4 in respect of a contaminant that is discharged before the statement of non-authorization is given under subsection 5 (2). O. Reg. 60/14, s. 6 (2).

**7.**OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 60/14, s. 7.

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