

Environmental Protection Act

ONTARIO REGULATION 524/98

ENVIRONMENTAL COMPLIANCE APPROVALS — EXEMPTIONS FROM SECTION 9 OF THE ACT

Consolidation Period: From July 1, 2021 to the [e-Laws currency date](#).

Last amendment: 273/21.

Legislative History: 505/99, 273/03, 110/07, 256/11, 99/12, 352/12, 41/15, 14/17, 273/21.

This is the English version of a bilingual regulation.

Definitions

0.1 (1) In this Regulation,

“CAN/CSA-ISO 17225-2:15” means the standard CAN/CSA-ISO 17225-2:15, published by the CSA Group, dated 2015 and entitled “Solid biofuels — Fuel specifications and classes — Part 2: Graded Wood Pellets”; (“CAN/CSA-ISO 17225-2:15”)

“combustion turbine” has the same meaning as in Ontario Regulation 1/17 (Registrations Under Part II.2 of the Act — Activities Requiring Assessment of Air Emissions) made under the Act; (“turbine à combustion”)

“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”)

“EN 303-5 (2012)” means the European Standard EN 303-5, published by the European Committee for Standardization, dated June 2012 and entitled “Heating boilers — Part 5: Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW — Terminology, requirements, testing and marking”; (“EN 303-5 (2012)”)

“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” means the part of combustion equipment from which contaminants captured from the use of the combustion source 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); O. Reg. 273/21, s. 2.

(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.-4.1. REVOKED: O. Reg. 273/21, s. 3 (1).
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.