

The Clean Air Regulations

Repealed

by Chapter E-10.22 Reg 2 (effective June 1, 2015)

Formerly

Chapter C-12.1 Reg 1 (effective November 1, 1989).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-12.1 REG 1

The Clean Air Act

Title

- 1 These regulations may be cited as *The Clean Air Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Clean Air Act*;
- (b) “**opacity**” means the degree expressed as a percentage to which an air contaminant obstructs the passage of light and obscures the view of an object in the background;
- (c) “**uncombined water**” means water that is not chemically bound to any other substance.

27 Oct 89 cC-12.1 Reg 1 s2.

Permit for industrial source, fuel-burning equipment

- 3(1) An applicant for a permit to operate an industrial source or any fuel-burning equipment shall include with the application:

- (a) the fee prescribed by any regulation made pursuant to the Act for the type of permit applied for; and
- (b) any information and material prescribed in subsection (2) that is applicable to the industrial source or fuel-burning equipment for which a permit is sought.

- (2) For the purposes of subsection 8(2) of the Act, the information and material required to be included in an application for a permit to operate an industrial source or fuel-burning equipment is:

- (a) a map of the area adjoining the land on which the industrial source or fuel-burning equipment is or is to be located, showing:
 - (i) the topography of the area, including land contours;
 - (ii) the locations and descriptions of buildings in the area;
 - (iii) the property boundaries; and
 - (iv) the land use of the area;
- (b) a plan or sketch of the site on which the industrial source or fuel-burning equipment is or is to be located, showing:
 - (i) the exact location of the processing, manufacturing, fuel-burning, drying, storage and other equipment;

- (ii) the points or areas of emission of all air contaminants and the proposed elevation of the points or areas of emission;
 - (iii) the location and description, including dimensions, of all buildings on the site; and
 - (iv) the location of all air contaminant control equipment; and
- (c) specific information with respect to the industrial source or fuel-burning equipment, including:
- (i) an overall description of the process to be used, the expected production capacity, the maximum design production capacity and the proposed hours of operation, on a daily basis as well as an annual basis;
 - (ii) a detailed description of the fuel-burning, manufacturing, drying and other sub-processes to be used which will directly result in the emission of air contaminants;
 - (iii) a description of raw materials, chemicals or other processing materials that are to be used, and the amounts that are to be used;
 - (iv) the size, age, make and capacity of the major pieces of processing equipment to be used;
 - (v) the size, age, make, capacity, design efficiency and description of the air contaminant control equipment to be used;
 - (vi) the expected operational availability of the air contaminant control equipment and the normal or expected preventive maintenance requirements for the air contaminant control equipment;
 - (vii) an overall flow diagram showing:
 - (A) all major process equipment and air contaminant control equipment; and
 - (B) expected flow rates, temperatures, pressures and other process variables which are relevant to the emission of air contaminants;
 - (viii) the expected composition, volumetric flow rate, velocity and temperature of every atmospheric emission under normal and maximum production conditions;
 - (ix) the expected mass rate of release into the ambient air of all air contaminants on a daily basis as well as an annual basis, under normal and maximum production conditions;
 - (x) information about the possible variations in the composition of any atmospheric emission or the release rate of any air contaminant under different production rates, during start-up, shut-down or upset conditions;
 - (xi) the calculated ground level concentrations of all air contaminants that may be released under normal and maximum production conditions;

- (xii) a description of the procedures that are to be followed to prevent or minimize the discharge of air contaminants in the event of a power failure, a malfunction of the air contaminant control equipment or a process equipment failure;
- (xiii) the proposed method and frequency of measuring air contaminant emission rates, including the analytical procedures to be used;
- (xiv) the proposed method and frequency of ambient air monitoring including the equipment, the analytical procedures to be used and the location of ambient air monitoring systems;
- (xv) a description of the procedures for:
 - (A) starting; and
 - (B) stopping;the source or equipment; and
- (xvi) a materials balance which includes:
 - (A) raw materials, chemicals and any other processing materials;
 - (B) finished products and by-products; and
 - (C) contaminants emitted to air, land and water.

27 Oct 89 cC-12.1 Reg 1 s3.

Permit for incinerator

- 4(1) An applicant for a permit to operate an incinerator shall include with the application:
- (a) the fee prescribed by any regulation made pursuant to the Act for the permit; and
 - (b) the information and material respecting the incinerator prescribed in subsection (2).
- (2) For the purposes of subsection 8(2) of the Act, the information and material required to be included in an application for a permit to operate an incinerator is:
- (a) a map of the area in which the incinerator is or is to be located showing:
 - (i) the topography of the area, including land contours;
 - (ii) the location and description of buildings in the area;
 - (iii) the property boundaries; and
 - (iv) the land use of the area;
 - (b) information with respect to the incinerator installation, including:
 - (i) the type of building or process to be served by the incinerator;
 - (ii) the type and quantity of waste to be incinerated;
 - (iii) the manner in which the incinerator is to be operated;

- (iv) incinerator specifications, including:
 - (A) the size, age, capacity, design efficiency, make and model of the incinerator;
 - (B) the method of charging the waste into the incinerator;
 - (C) the type and size of grate or hearth;
 - (D) the maximum operating temperature;
 - (E) the provisions made for supplying fresh air for combustion; and
 - (F) the retention time of gases in the combustion chambers; and
- (v) the stack dimensions; and
- (c) a set of plans and any additional specifications that may be available for the proposed incinerator; and
- (d) a description of the air contaminant control equipment to be used in the operation of the incinerator.

27 Oct 89 cC-12.1 Reg 1 s4.

Certification of plans, specifications

5 Every plan, specification or other technical information submitted to support an application for a permit is to be certified as accurate by a professional engineer within the meaning of *The Engineering Profession Act* or by a person otherwise qualified to do so.

27 Oct 89 cC-12.1 Reg 1 s5.

Renewal

6(1) No permit is to be renewed unless an application for renewal is filed with the minister prior to the expiration of the permit.

- (2) An applicant for renewal of a permit shall include with the application:
 - (a) the number of the permit to be renewed;
 - (b) all details respecting any changes in the information and materials provided by the applicant pursuant to section 3 or 4 with respect to the permit to be renewed; and
 - (c) the fee prescribed by any regulation made pursuant to the Act for renewal of the permit.

27 Oct 89 cC-12.1 Reg 1 s6.

Permit to alter

7 An applicant for a permit to alter, add to or change an industrial source, incinerator or fuel-burning equipment in a manner that affects the emission of air contaminants shall include with the application:

- (a) details of the alterations, additions or changes that are proposed; and
- (b) revised estimates of air contaminant emission rates.

27 Oct 89 cC-12.1 Reg 1 s7.

Report of accidental discharge

8 Where an accidental, emergency or unauthorized release or discharge of an air contaminant occurs that results in air pollution, the person in charge of the industrial source, incinerator or fuel-burning equipment that caused the release or discharge shall:

- (a) as soon as practicable provide the minister with preliminary notification of the occurrence; and
- (b) within three working days of the occurrence, submit to the minister a written report setting forth:
 - (i) the date and time of the release or discharge;
 - (ii) the duration of the release or discharge;
 - (iii) the composition of the release or discharge showing:
 - (A) the concentration of the air contaminant;
 - (B) the mass emission rate; and
 - (C) the total amount, by weight, of the air contaminant;
 - (iv) a description of the circumstances leading to the release or discharge;
 - (v) the steps and procedures taken to minimize the release or discharge;
 - (vi) the steps and procedures taken to prevent similar releases or discharges in the future; and
 - (vii) a report containing a discussion or analysis of both the immediate and long-term effects that the release or discharge may have on the environment.

27 Oct 89 cC-12.1 Reg 1 s8.

Prohibition, maximum concentration of air contaminants

9(1) No person shall operate or permit the operation of any industrial source, incinerator or fuel-burning equipment in a manner that results in the discharge of a quantity of air contaminants that, either alone or in combination with a quantity of the same air contaminants emitted from another industrial source, incinerator or fuel-burning equipment, causes a concentration of the air contaminants in the ambient air that is:

- (a) greater than the maximum concentration set forth:
 - (i) in the permit for the industrial source, incinerator or fuel-burning equipment; or
 - (ii) where a permit is not required or a maximum concentration has not been specified in a permit, in the Appendix to these regulations;
 - (b) injurious to the health or safety or comfort of the public;
 - (c) injurious or damaging to property or to plant and animal life;
 - (d) an interference with normal business; or
 - (e) obnoxious to the public.
- (2) Subsection (1) applies:
- (a) to the operation of all industrial sources, incinerators and fuel-burning equipment:
 - (i) whether or not a permit is required for their operation; and
 - (ii) notwithstanding that they are being operated in accordance with the terms and conditions contained in a permit; and
 - (b) during all process operating conditions and circumstances, including normal steady state operation, start-up, shut-down and upset conditions.

27 Oct 89 cC-12.1 Reg 1 s9.

Prohibition, visible emissions from existing sources, etc.

10(1) Unless otherwise authorized in a valid and subsisting permit and subject to subsection (2), no person shall cause or permit a discharge into the ambient air from an industrial source, incinerator or fuel-burning equipment of any air contaminant that exhibits an opacity greater than 40% averaged over a period of six consecutive minutes.

- (2) If the presence of uncombined water is the only reason for a failure to comply with subsection (1), the failure to comply is not a violation of subsection (1).
- (3) Notwithstanding subsection (1), no person shall cause or permit a discharge into the atmosphere of an air contaminant in a quantity sufficient to cause a visibility problem on public roadways or developed property.

27 Oct 89 cC-12.1 Reg 1 s10.

Prohibition, burning

11(1) No person shall cause or permit the burning of trash, garbage, industrial waste or any other material or waste in an open fire or an incinerator in a manner that causes air pollution.

(2) Without limiting the generality of subsection (1), no person shall cause or permit the burning of:

- (a) waste or spent lubricating oil;
- (b) hazardous substances as defined in *The Environmental Management and Protection Act*;
- (c) hazardous wastes as defined in *The Environmental Management and Protection Act*;
- (d) motor vehicle tires; or
- (e) animal cadavers;

except in accordance with the authorization in a valid and subsisting permit to operate an industrial source or incinerator or any fuel-burning equipment.

(3) Subject to subsection (4) and without limiting the generality of subsection (1), no person shall cause or permit the burning in an open fire of:

- (a) railway ties and other wood treated with wood preservatives;
- (b) waste materials from building or construction sites;
- (c) trash, garbage or other waste from commercial, industrial or municipal operations;
- (d) materials containing rubber or plastic;
- (e) spilled oil or oil production by-products;
- (f) materials disposed of as part of reclamation operations; or
- (g) animal manure.

(4) Subsection (3) does not apply where the burning is authorized in a valid and subsisting permit to operate an industrial source or incinerator or any fuel-burning equipment.

Appendix
Ambient Air Quality Standards

POLLUTANT ⁽¹⁾	AVERAGE CONCENTRATION FOR APPLICABLE TIME PERIOD				
	1 HOUR	8 HOURS	24 HOURS	30 DAYS	ANNUAL
SUSPENDED PARTICULATES			120 micrograms per cubic metre		*70 micrograms per cubic metre
SETTLEABLE PARTICULATES				2.0 milligrams per square centimetre	
SOIL INDEX			1.5 COH units		
POTASH				0.15 milligrams of K per square centimetre OR 0.15 milligrams of CL per square centimetre	
SULFUR DIOXIDE	450 (0.17) micrograms per cubic metre		150 (0.06) micrograms per cubic metre		**30 (0.01) micrograms per cubic metre
SULFATION				30 mg of sulphur trioxide per 100 cm ²	
CARBON MONOXIDE	15 (13) milligrams per cubic metre	6 (5) milligrams per cubic metre			
OXIDANTS (OZONE)	160 (0.08) micrograms per cubic metre				
NITROGEN DIOXIDE	400 (.2) micrograms per cubic metre				**100 (.05) micrograms per cubic metre
HYDROGEN SULPHIDE	15 (10.8) micrograms per cubic metre		5 (3.6) micrograms per cubic metre		
<p>NOTE: Volume units, in parts per million or parts per billion for H₂S, are in brackets. * Geometric Means ** Arithmetic Means</p> <p>⁽¹⁾ Sampling will be in a manner and location specified by the Minister.</p>					