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c 62 The Pollution Abatement Incentive Act, 1970

Ontario

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CHAPTER 62

**An Act to provide
Incentive for the Abatement of Pollution**

*Assented to June 26th, 1970
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Minister" means the Minister of Energy and Resources Management;
- (b) "regulations" means the regulations made under this Act.

2. The Minister may make grants,

Grants

- (a) to any municipality, including a district, metropolitan or regional municipality, university, school and hospital in respect of equipment for pollution abatement that it has installed and made operational after this Act comes into force for the purpose of incineration, the treatment of sewage, the treatment of water to produce potable water or the treatment or disposal of waste;
- (b) to any person engaged in the generation and production of electricity or in the manufacturing or processing of products, goods or merchandise in respect of equipment for pollution abatement that is used in relation to such generation, production, manufacturing or processing and that he has installed and made operational after this Act comes into force;
- (c) to any owner of a source of pollution, except a motor vehicle, in respect of equipment for pollution abatement that is used in relation thereto and that he has installed and made operational after this Act comes into force; and

(d)

- (d) to any person who is engaged, whether for profit or otherwise, in the abatement of pollution or the treatment or disposal of waste, in respect of equipment for pollution abatement or the treatment or disposal of waste that is used in relation thereto and that he has installed and made operational after this Act comes into force.

Eligibility
for grants
1960-61
c. 91

3. Every claimant, to be eligible for a grant under section 2, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of the equipment for pollution abatement or the treatment or disposal of waste in relation to which a grant is claimed and that the equipment has been installed and made operational.

Amount of
grants

4. Except as provided under section 5, the amount of a grant to any person, municipality, university, school or hospital shall be,

- (a) where the equipment is used solely for the abatement of pollution or the treatment or disposal of waste, the amount of the tax paid by such person, municipality, university, school or hospital under *The Retail Sales Tax Act, 1960-61* in respect of such equipment; or
- (b) where the use of the equipment is not solely for the abatement of pollution or the treatment or disposal of waste, as determined by the Minister, the amount of such tax that is in the same proportion as the equipment is used for the abatement of pollution or the treatment or disposal of waste.

Where
pollution
abatement
only part of
result of
change of
process or
method

5.—(1) When the Minister determines that a major change in an existing system, process or method of incineration, treatment of sewage, treatment of water to produce potable water, treatment or disposal of waste, generation and production of electricity, or the manufacturing or processing of products, goods or merchandise results in the abatement of pollution, he may make a grant in an amount not to exceed the amount of the tax paid under *The Retail Sales Tax Act, 1960-61* by the claimant in respect of any material or thing required for such change and upon such terms and conditions as he considers proper.

Eligibility
for grant

(2) Every claimant, to be eligible for a grant under this section, must satisfy the Minister that the tax under *The Retail Sales Tax Act, 1960-61* has been paid by him in respect of any material or thing required for such change.

6. Grants shall be made under section 2 only in relation to equipment for the abatement of pollution or the treatment or disposal of waste that is approved for the purposes of this Act by the Minister and on such terms and conditions, in addition to those prescribed by the regulations, as may be imposed by the Minister.

Approval of
equipment

7. No application for a grant under this Act may be made later than thirty days after the end of the calendar year in which the equipment for the abatement of pollution or the treatment or disposal of waste in relation to which the grant is payable was installed and made operational or in which a change was made under section 5.

Application
for grant

8. The Minister may authorize any officer or officers of the Department of Energy and Resources Management or of the Ontario Water Resources Commission to exercise and discharge in his place any of the powers conferred or duties imposed upon him under this Act.

Delegation
of powers to
officer

9. The Lieutenant Governor in Council may make regulations.

Regulations

- (a) defining and classifying equipment for the abatement of pollution or the treatment or disposal of waste for the purposes of this Act;
- (b) prescribing equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof to which this Act does not apply;
- (c) prescribing the terms and conditions upon which grants may be made in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof;
- (d) prescribing forms and providing for their use under this Act;
- (e) prescribing the documents and other information that shall be filed with an application for a grant under this Act;
- (f) limiting the amount of any grant or the aggregate amount of grants that may be paid to any claimant in relation to equipment for the abatement of pollution or the treatment or disposal of waste or any class thereof installed and made operational during any period.

Moneys

10. The moneys required for the purposes of this Act shall, until the 31st day of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Commencement
and repeal

11. This Act shall be deemed to have come into force on the 1st day of April, 1970, and is repealed on the 1st day of April, 1975.

Short title

12. This Act may be cited as *The Pollution Abatement Incentive Act, 1970*.