CHAPTER 141
Environmental Protection Act

1.—(1) In this Act,

(a) "air" means open air not enclosed in a building, structure, machine, chimney, stack or flue;

(b) "Board" means the Environmental Appeal Board;

(c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man that may,

(i) impair the quality of the natural environment for any use that can be made of it,

(ii) cause injury or damage to property or to plant or animal life,

(iii) cause harm or material discomfort to any person,

(iv) adversely affect the health or impair the safety of any person, or

(v) render any property or plant or animal life unfit for use by man;

(d) "Environmental Assessment Board" means the Environmental Assessment Board under the Environmental Assessment Act; R.S.O. 1980, c. 140

(e) "land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof;

(f) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any
power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;

(g) "local municipality" means a city, town, village or township;

(h) "Minister" means the Minister of the Environment;

(i) "Ministry" means the Ministry of the Environment;

(j) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory;

(k) "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;

(l) "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;

(m) "person responsible" means the owner, or the person in occupation or having the charge, management or control of a source of contaminant;

(n) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;

(o) "regulations" means the regulations made under this Act;

(p) "source of contaminant" means anything that adds to, emits or discharges into the natural environment any contaminant;

(q) "water" means surface water and ground water, or either of them. 1971, c. 86, s. 1; 1972, c. 1, ss. 1, 69 (1); 1972, c. 106, s. 1; 1974, c. 125, s. 1; 1975, c. 70, s. 1.

(2) In this Act, "the Director" means a Director appointed under section 4. 1974, c. 20, s. 1.
PART I

ADMINISTRATION

2. The purpose of this Act is to provide for the protection and conservation of the natural environment. 1971, c. 86, s. 2.

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

(a) investigate problems of pollution, waste management, waste disposal, litter management and litter disposal;

(b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;

(c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;

(d) conduct studies of environmental planning designed to lead to the wise use of the natural environment by man;

(e) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;

(f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;

(g) make grants and loans for,

(i) research or the training of persons relating to contaminants, pollution, waste or litter, and

(ii) the development of waste management facilities,

in such amounts and upon such terms and conditions as the regulations may prescribe;

(h) establish and operate demonstration and experimental waste management systems, litter disposal sites and sewage systems under Part VII;

(i) appoint committees to perform such advisory functions as the Minister considers advisable; and

(j) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment. 1971, c. 86, s. 3; 1973, c. 94, s. 1.
4.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

(2) The Minister, in an appointment pursuant to subsection (1), may limit the authority of a Director in such manner as the Minister considers necessary or advisable. 1974, c. 20, s. 2.

PART II
GENERAL PROVISIONS

5.—(1) No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations.

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 5.

6. When the report of a provincial officer, filed as provided by section 126, contains a finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount, concentration or level prescribed by the regulations, contravenes section 13 or is a contaminant the use of which is prohibited by the regulations, the Director may issue a control order directed to the person responsible therefor. 1971, c. 86, s. 6.

7. When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is adding to, emitting or discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a stop order directed to the person responsible for the source of contaminant. 1971, c. 86, s. 7.

8.—(1) No person shall,

(a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or
thing that may emit or discharge or from which may be emitted or discharged a contaminant into any part of the natural environment other than water; or

(b) alter a process or rate of production with the result that a contaminant may be emitted or discharged into any part of the natural environment other than water or the rate or manner of emission or discharge of a contaminant into any part of the natural environment other than water may be altered, unless he has first obtained a certificate of approval issued by the Director for the methods or devices or both to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water. 1972, c. 106, s. 2, part; 1974, c. 20, s. 4.

(2) The Director may require an applicant for a certificate of approval under subsection (1) to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water and, subject to subsection (4), the Director may issue a certificate of approval.

(3) Subsection (1) does not apply to,

(a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;

(b) equipment for the combustion of fuel, other than waste incinerators, in buildings or structures designed for the housing of not more than three families;

(c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where such equipment, apparatus, mechanism or thing may produce sound or vibration;

(d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;

(e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture;
(f) any motor or motor vehicle that is subject to the provisions of Part III.

Powers of Director

(4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions or alter any terms and conditions in a certificate of approval as he considers necessary,

(a) to ensure that any construction, alteration, extension or replacement that is referred to in clause (1)(a) or that any alteration of a process or rate of production that is referred to in clause (1)(b), or the methods or devices or both employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water, will result in compliance with this Act and the regulations and any order or approval thereunder;

(b) on probable grounds, to prevent or alleviate a nuisance, a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it. 1972, c. 100, s. 2. part.

Submission of program

9.—(1) A person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant.

Referral of program

(2) When a program referred to in subsection (1) is submitted to the Director, the Director may, with the consent of the Minister, refer the program to the Environmental Council for its consideration and advice.

Approval of program

(3) The Director may issue an approval to be known as a "program approval", directed to the person who submitted the program. 1971, c. 86, s. 10.

Contents of approval

10. The Director shall, in a program approval,

(a) set out the name of the person to whom the approval is directed;

(b) set out the location and nature of the source of contaminant;
(c) set out the details of the program; and

(d) approve the program. 1971, c. 86, s. 11.

11. Notwithstanding the issue of a program approval, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any persons or to property, the Director may issue a stop order or a control order directed to the person responsible. 1971, c. 86, s. 12.

12.—(1) Every person who,

(a) deposits in, adds to, emits or discharges into the natural environment; or

(b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into the natural environment,

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Ministry of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 13; 1972, c. 1, s. 1.

13.—(1) Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge a contaminant or cause or permit the deposit, addition, emission or discharge of a contaminant into the natural environment that,

(a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;

(b) causes or is likely to cause injury or damage to property or to plant or animal life;

(c) causes or is likely to cause harm or material discomfort to any person;

(d) adversely affects or is likely to adversely affect the health of any person;
(e) impairs or is likely to impair the safety of any person; or

(f) renders or is likely to render any property or plant or animal life unfit for use by man. 1972, c. 106, s. 3.

Exception

(2) Clause (1)(a) does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 14(2).

14.—(1) Every person who deposits, adds, emits or discharges a contaminant or causes or permits the deposit, addition, emission or discharge of a contaminant into the natural environment out of the normal course of events that,

(a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;

(b) causes or is likely to cause injury or damage to property or to plant or animal life;

(c) causes or is likely to cause harm or material discomfort to any person;

(d) adversely affects or is likely to adversely affect the health of any person;

(e) impairs or is likely to impair the safety of any person; or

(f) renders or is likely to render any property or plant or animal life unfit for use by man,

shall forthwith notify the Ministry. 1972, c. 106, s. 4.

Exception

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 15 (2).

Repeal

(3) Subsections (1) and (2) are repealed on a day to be named by proclamation of the Lieutenant Governor. 1979, c. 91, s. 6.

Application of Part not restricted

15. Unless otherwise required by the context, the provisions of this Part also apply to the subject-matter of the individual Parts of this Act. 1971, c. 86, s. 16.

Minister may order repair of damage

16. Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land, water, property or plant life, the Minister, where he is of the opinion that it is in
the public interest so to do, may order such person to do all things and take all steps necessary to repair the injury or damage. 1971, c. 86, s. 17.

17. When, in the opinion of the Director, based upon reasonable and probable grounds, it is necessary or advisable for the protection or conservation of the natural environment to do so, the Director may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination of the natural environment that may be caused or permitted by the person to whom the order is directed. 1971, c. 86, s. 18.

18.—(1) An order or approval of the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

(2) The Ministry shall maintain an alphabetical index record of the names of all persons to whom orders or approvals are directed under this Act.

(3) When an order or approval has expired or is revoked, the Ministry shall remove from the index record the name of the person to whom the order or approval is directed.

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order or approval relating to that person. 1971, c. 86, s. 19; 1972, c. 1, s. 1.

19. The provisions of this Act are binding upon the Crown. The Crown 1971, c. 86, s. 20.

PART III
MOTORS AND MOTOR VEHICLES

20. In this Part,

(a) "motor" means an internal combustion engine;

(b) "motor vehicle" means a vehicle that uses or incorporates a motor as a source of power. 1971, c. 86, s. 22; 1974, c. 20, s. 5.
21.—(1) No person shall sell, offer or expose for sale, a motor or motor vehicle that does not comply with the regulations.

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall sell, offer or expose for sale, such motor or motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such system or device, when the motor or motor vehicle is operating, complies with the regulations.

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall remove or cause or permit the removal of such system or device from such motor or motor vehicle, except for repair of such system or device or for replacement of such system or device by a system or device of the same type.

1973, c. 94, s. 2, part.

22.—(1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a motor or motor vehicle or any class or type thereof that does not comply with the regulations.

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation unless such motor or motor vehicle has installed on, attached to or incorporated in it such system or device, and such system or device operates in accordance with the regulations when the motor or motor vehicle is in operation.

1973, c. 94, s. 2, part.

PART IV
WATER

23.—(1) In this section,

(a) "ice shelter" means any structure that is located on or over ice over any water for more than one day and
that is or may be used for shelter, privacy or the storage or sale of any thing;

(b) "owner", when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter;

(c) "waste" means human excrement or any refuse that is discharged or deposited in or from an ice shelter.

(2) No person shall discharge or deposit or cause or permit to be discharged or deposited any waste upon or over the ice over any water except in accordance with the regulations.

(3) Except as provided in subsection (4), where an ice shelter is placed or allowed to remain on ice over any water in contravention of any provision of the regulations, a provincial officer may remove the ice shelter or cause it to be removed,

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal; or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith.

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal.

(5) Except where an ice shelter has been destroyed in the course of removal, the owner of an ice shelter that has been removed pursuant to subsection (3) or (4) may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection (3), whichever is later, or within thirty days after service of the notice mentioned in subsection (4), as the case requires, upon payment to the Treasurer of Ontario of the costs and charges for removal and storage of the ice shelter.

(6) Where the owner of an ice shelter that has been removed pursuant to subsection (3) or (4) does not take possession of the ice shelter pursuant to subsection (5),
(a) a provincial officer may dispose of the ice shelter without compensation therefor; and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person.

(7) A notice under subsection (3) or (4) shall be in such form as the regulations may prescribe and shall state that the owner may take possession of the ice shelter pursuant to subsection (5) and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefor and, where the ice shelter has been removed or caused to be removed pursuant to subsection (4) and has been damaged or destroyed in the course of the removal, the notice shall state the condition of the ice shelter.

(8) A provincial officer shall use due care in removing an ice shelter pursuant to subsection (3) or (4) but may use a means of removal that causes damage to or the destruction of the ice shelter if the use of the means of removal is necessary in order to carry out the removal.

(9) Where an ice shelter is removed pursuant to subsection (3) or (4) and the means of removal that is necessary in the circumstances results in damage to or the destruction of the ice shelter, the owner of the ice shelter is not entitled to compensation for the damage or destruction. 1973, c. 94, s. 4, part.

PART V

WASTE MANAGEMENT

24. In this Part,

(a) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;

(b) "owner" includes,

(i) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or

(ii) the person that owns the land in or on which a waste disposal site is located;
(c) "owner" in section 46, means a person that is responsible for the operation of a well that is a waste disposal site;

(d) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;

(e) "waste disposal site" means any land or land covered by water upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;

(f) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

25. This Part does not apply to the storage or disposal by any person of his domestic wastes on his own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which the Ontario Water Resources Act or the regulations thereunder apply. 1971, c. 86, s. 28; 1972, c. 1, s. 69 (2); 1972, c. 106, s. 5; 1974, c. 20, s. 10.

26. No waste management system that is in operation or a waste disposal site that is in use when this Act comes into force shall be operated or used,

(a) after a certificate of approval has been refused; or

(b) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate. 1971, c. 86, s. 30.

27. No person shall use, operate, establish, alter, enlarge or extend,

(a) a waste management system; or

(b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except
in accordance with any conditions set out in such certificate. 1971, c. 86, s. 31.

28. No by-law for raising money to finance any work under section 27 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor. 1971, c. 86, s. 32.

29. Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified. 1971, c. 86, s. 33.

30.—(1) Where the Director receives an application for a certificate of approval for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Director ascertains, having regard to the nature and quantity of the waste, is the equivalent of the domestic waste of not less than 1,500 persons, the Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11.

(2) At least fifteen days notice of the hearing shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to be located and to such other persons and in such manner as the Director may direct and such notice shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality where the waste disposal site is or is intended to be located provided there is a newspaper having general circulation in the locality and published at least once a week. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11.

31. Notwithstanding the provisions of section 30, where, in the opinion of the Director, an emergency situation exists by reason of,

(a) danger to the health or safety of any person;
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(b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it; or

(c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life,

and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Director may issue a certificate of approval therefor without holding a public hearing. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11.

32.—(1) Where the Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of,

(a) a waste management system that does not include a waste disposal site referred to in section 30; or

(b) a waste disposal site other than a waste disposal site referred to in section 30,

the Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11.

(2) Where a hearing is held under subsection (1), at least fifteen days notice shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the owners or occupants of the lands adjoining any land upon or in which the waste disposal site is located or is intended to be located and to such other persons and in such manner as the Director may direct. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11.

33.—(1) Where the Director is required or permitted to hold a hearing under this Act, he may by a notice in writing, and on such terms and conditions as he may direct, require the Environmental Assessment Board to hold the hearing. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11; 1975, c. 70, s. 2.

(2) Upon receipt of notice from the Director, the Environmental Assessment Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Director. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11; 1975, c. 70, s. 2.
(3) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of the *Environmental Assessment Act*, apply where a hearing is required to be held under subsection (1) by the Environmental Assessment Board.

(4) Subsections 18(12) and (14) to (20) and sections 20 and 23 of the *Environmental Assessment Act* do not apply where a hearing is required to be held under subsection (1) by the Environmental Assessment Board.

(5) Where a hearing is required to be held under subsection (1) by the Environmental Assessment Board,

(a) the Board shall determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable;

(b) the member or members conducting a hearing shall prepare and submit to the Board a draft report of the Board referred to in clause (e) and, after notice of the purpose of the meeting has been given to all members of the Board, the Board shall consider the draft report at a meeting of the Board called for the purpose of preparing the report and the Board in preparing the report may,

(i) adopt the draft report,

(ii) adopt the draft report with such changes as the Board considers advisable, or

(iii) reject the draft report and take such other action for the purpose of preparing the report, including the holding of additional hearings, as the Board considers advisable;

(c) a hearing by the Board is for the purpose of making a report containing information and advice and the report is not in any way legally binding in any decision or determination that may be made;

(d) for the purposes of the exercise of any power or authority or the discharge of any duty by the
Board or any member or members thereof conducting a hearing, the Board, or such member or members, has or have the powers of a commission under Part II of the Public Inquiries Act, which Part applies to the exercise of such power or authority and the discharge of such duty as if it were an inquiry under that Act; and

(e) the report of the Board shall contain a summary of the information presented and the views expressed at the hearing and its recommendations in respect of the subject-matter of the hearing, together with its reasons therefor. 1975, c. 70, s. 3 (2).

(6) Where the Director requires the Environmental Assessment Board to hold a public hearing, the Director shall not issue or refuse to issue a certificate of approval until he has received and considered the report of the Environmental Assessment Board. 1972, c. 106, s. 7, part; 1974, c. 20, s. 11; 1975, c. 70, s. 2.

34. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary. 1971, c. 86, s. 34.

35.—(1) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by a notice in writing, and on such terms and conditions as he may direct, require the Environmental Assessment Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site. 1972, c. 106, s. 8, part; 1975, c. 70, s. 2.

(2) Upon receipt of notice from the Minister, the Environmental Assessment Board shall hold a public hearing with respect to the subject-matter of the notice and shall
report thereon to the Minister. 1972, c. 106, s. 8, part; 1975, c. 70, s. 2.

**Procedure**

(3) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of the *Environmental Assessment Act* apply where a hearing is required to be held under subsection (1) by the Environmental Assessment Board. 1975, c. 70, s. 4 (1).

(4) The provisions of subsections 33 (4) and (5) apply where a hearing is required to be held under subsection (1) by the Environmental Assessment Board. 1975, c. 70, s. 4 (2).

**Parties and procedure**

(5) Where the Minister requires a public hearing under subsection (1),

(a) the applicant, the municipality and any other person specified by the Environmental Assessment Board shall be given notice of the hearing in such manner as the Environmental Assessment Board directs; and

(b) the Environmental Assessment Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site. 1972, c. 106, s. 8, part; 1975, c. 70, s. 2.

**Order**

(6) The Minister, after receiving the report of the Environmental Assessment Board, may order that the by-law referred to in subsection (1) does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto. 1972, c. 106, s. 8, part; 1975, c. 70, s. 2.

**Return of deposit**

36. The deposit mentioned in clause 34 (a) may be returned to the depositor upon such terms and conditions as the regulations prescribe. 1971, c. 86, s. 36.

**Information to be furnished**

37. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. 1971, c. 86, s. 38.

**Powers of Director**

38.—(1) The Director after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval. 1971, c. 86, s. 39 (1); 1972, c. 106, s. 10 (1); 1974, c. 20, s. 13 (1).

(2) The Director may.
(a) refuse to issue or renew;
(b) suspend or revoke; or
(c) impose, alter or revoke terms and conditions in,
a certificate of approval or provisional certificate of approval where,
(d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or
(e) he considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person. 1972, c. 106, s. 10 (2); 1974, c. 20, s. 13 (2).

39. No person shall deposit waste upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate. 1971, c. 86, s. 40; 1972, c. 106, s. 11.

40. No person shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate. 1971, c. 86, s. 41.

41.—(1) Where waste has been deposited upon, in, into or through any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Director. 1971, c. 86, s. 42 (1); 1972, c. 106, s. 12 (1); 1974, c. 20, s. 14.

(2) Where a person to whom an order is directed under subsection (1) fails to comply with the order, the Director may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction. 1971, c. 86, s. 42 (2); 1972, c. 106, s. 12 (2); 1974, c. 20, s. 14.
42. Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order the owner to take such action as he may require to bring the system or the site into conformity with this Part or the regulations within the time specified in the order. 1971, c. 86, s. 43; 1972, c. 106, s. 13; 1974, c. 20, s. 14.

43. Where an owner fails to comply with an order under section 42, the Director may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 34, or may be recovered with costs in any court of competent jurisdiction. 1971, c. 86, s. 44; 1972, c. 106, s. 14; 1974, c. 20, s. 14.

44.—(1) Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner,

(a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision; and

(b) since receiving such certificate of approval, has strictly complied with this Act and the regulations. 1971, c. 86, s. 45 (1); 1972, c. 106, s. 15 (1); 1974, c. 20, s. 14.

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address. 1971, c. 86, s. 45 (2); 1972, c. 106, s. 15 (2); 1974, c. 20, s. 14.

(3) Within fifteen days after receipt of the notices referred to in subsection (2), the owner may by written notice received by the Ministry and the Board, appeal the amount of compensation, if any, to the Board, and such appeal shall be a hearing de novo and the Board may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Board shall be final. 1971, c. 86, s. 45 (3); 1972, c. 1, s. 1; 1972, c. 106, s. 15 (3); 1974, c. 20, s. 14.
(4) Where the Director or the Board, as the case may be, has established the amount of the compensation, if any, the Minister shall certify the amount thereof to the Treasurer of Ontario and the Treasurer shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund. 1971, c. 86, s. 45 (4); 1972, c. 106, s. 15 (4); 1974, c. 20, s. 14.

45. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given. 1971, c. 86, s. 46.

46.—(1) There shall be an account in the Consolidated Revenue Fund to be known as "The Waste Well Disposal Security Fund", referred to in this section as the "Fund", into which shall be paid the prescribed fees received under this Act.

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

(3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well.

(4) The fee shall be paid to the Treasurer of Ontario for payment into the Fund.

(5) The fee shall be at the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year. 1972, c. 106, s. 16, part.

(6) The Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Director shall estimate the fee on the basis of the amount and type of waste that in his opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the
estimated fee as required by subsection (7). 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Director. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(8) At the end of each calendar year, the Director shall calculate the amount of the fee for the year and,

(a) where the fee estimated and paid for the year is less than the calculated fee, the Director shall add the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference forthwith to the Treasurer of Ontario; and

(b) where the fee estimated and paid for the year is greater than the calculated fee, the Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Treasurer of Ontario the amount of such difference and the Treasurer shall pay such amount to the owner of the well. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he gives notice to the Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection (10) within six months, or such longer period of time as may be determined by the Director, from the date that the Director received the notice that the water has been rendered unfit. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that
is within his knowledge. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(11) The Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection (9) has been rendered unfit for any of the purposes set out therein and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant’s reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(12) The Director shall set out his determination in a certificate together with written reasons therefor and send a copy thereof to the claimant by registered mail at the address set out in the application. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(13) The certificate of the Director is final at the end of thirty days from the date of mailing it to the claimant unless notice of appeal is served within that time. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(14) The claimant may appeal to the Board at any time before the certificate of the director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part XI. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(15) Where the Director has sent his certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the claimant out of the Fund. 1972, c. 106, s. 16, part; 1974, c. 20, s. 15.

(16) Where a claimant who has received any payment out of the Fund recovers any moneys, directly or indirectly, from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Treasurer of Ontario for credit to the Fund an amount equal to the payment out of the Fund or the moneys received from the
owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

(17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause (8) (a) that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown. 1972, c. 106, s. 16, part.

47. Every person or municipality that contravenes any provision of this Part or the regulations or fails to comply with an order made under section 41 or 42 or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval is guilty of an offence and on conviction is liable to a fine of not more than $2,000 for every day or part thereof upon which such offence occurs or continues. 1971, c. 86, s. 47; 1972, c. 106, s. 17.

PART VI

ABANDONED MOTOR VEHICLES

48. In this Part,

(a) "abandoned motor vehicle" means a vehicle that has been left unattended without lawful authority and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of number plates, to be abandoned;

(b) "abandoned motor vehicle site" means,

(i) a waste disposal site,

A. that is classified by the regulations as a derelict motor vehicle site,

B. that is not exempt under the regulations relating to Part V or Part VI, and

C. for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or

(ii) any place that is approved in writing by the Director for the purpose of receiving and storing abandoned motor vehicles;
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(c) "officer" means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found. 1973, c. 94, s. 5, part; 1974, c. 20, s. 16.

49. An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site. 1973, c. 94, s. 5, part.

50. Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation and Communications when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined. 1973, c. 94, s. 5, part.

51. A notice under section 50 shall,

(a) contain a description of,

(i) the abandoned motor vehicle,

(ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed,

(iii) the date of removal, and

(iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle;

(b) state,

(i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and
Where ENVIRONMENTAL the disposal of a vehicle is sold or otherwise disposed of pursuant to section 53, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pursuant to section 53, acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle. 1973, c. 94, s. 5, part.

Compensation

55. Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 53 does not, acting in good faith through any cause beyond his control, receive notice of removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for com-
pensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying therefor pursuant to section 56 within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site. 1973, c. 94, s. 5, part.

56. A person applying for compensation pursuant to section 55 shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge. 1973, c. 94, s. 5, part.

57. The Director may award compensation under section 55 in such amount and on such terms and conditions as appear just under the circumstances and shall set out his award in a certificate together with written reasons therefor and send a copy thereof to the applicant by registered mail at the address set out in the application. 1973, c. 94, s. 5, part.

58. The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice of appeal is served within that time. 1973, c. 94, s. 5, part.

59. The applicant may appeal to the Board at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part XI. 1973, c. 94, s. 5, part.

60. Where the Director has sent his certificate by registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the applicant out of the Consolidated Revenue Fund. 1973, c. 94, s. 5, part.

61. Where an applicant who has received any payment out of the Consolidated Revenue Fund pursuant to section 60 recovers any moneys, directly or indirectly, from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Treasurer of Ontario for credit to the Consolidated
Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the moneys received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown. 1973, c. 94, s. 5, part.

PART VII
SEWAGE SYSTEMS

Interpretation
62. In this Part, "sewage system" means,

(a) a cesspool, a septic tank system, a leaching pit, a leaching bed, a privy, a privy-vault, a holding tank other than a holding tank to which regulations made under clause 44 (1) (k) or (l) of the Ontario Water Resources Act apply, a toilet other than a toilet to which regulations made under clause 44 (2) (a) of the Ontario Water Resources Act apply and any other sewage works referred to in clause 24 (6) (a) or (c) of the Ontario Water Resources Act or any part of any of them; or

(b) works, installations, equipment and operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage as designated in the regulations, and includes any land used in connection therewith, but does not include plumbing as defined in the regulations under the Ontario Water Resources Act. 1972, c. 106, s. 23, part; 1974, c. 20, s. 18.

Exception
63. Notwithstanding any provision of the Ontario Water Resources Act, a sewage system that is subject to the provisions of this Part is not subject to the provisions of the Ontario Water Resources Act. 1972, c. 106, s. 23, part.

Prohibition
64. No person shall construct, install, establish, enlarge, extend or alter,

(a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or
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(b) any sewage system,

unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director. 1972, c. 106, s. 23, part.

65. An applicant for a certificate of approval under this Application Part shall submit to the Director plans and specifications of any work to be undertaken upon issuance of the certificate of approval and such other information as the Director may require and, subject to section 66, the Director may issue a certificate of approval. 1972, c. 106, s. 23, part.

66. The Director may,

(a) refuse to issue;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in,

a certificate of approval where,

(d) the sewage system or the proposed establishment, construction, operation, installation, enlargement, extension or alteration of the sewage system does not comply with the provisions of this Act or the regulations; or

(e) he considers, upon probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it. 1972, c. 106, s. 23, part.

67.—(1) No person shall use or operate a sewage system Permit or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the 15th day of April, 1974 unless a permit for its use or operation has been issued by the Director and, subject to subsection (3), the Director may issue a permit. 1972, c. 106, s. 23, part, revised.
(2) Every person who has constructed, installed, established, enlarged, extended or altered a sewage system or any part thereof shall, until a permit under subsection (1) is issued, keep open for inspection or make available for inspection by a provincial officer the sewage system or the part thereof that was constructed, installed, established, enlarged, extended or altered.

(3) The Director shall not issue a permit under subsection (1) where the construction, installation, establishment, enlargement, extension or alteration of the sewage system or part thereof does not comply with a certificate of approval issued therefor under section 64 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 64 has not been issued, he considers, upon probable grounds, that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person until the construction, installation, establishment, enlargement, extension or alteration is inspected by a provincial officer and altered as the Director may require in order that the sewage system or part thereof will not, in the opinion of the Director, create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person. 1972, c. 106, s. 23, part.

68.—(1) Where any person,

(a) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 64 or a sewage system and a certificate of approval required under section 64 has not been issued;

(b) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 64 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 64 in respect thereof;

(c) does not construct, operate, clean, empty, disinfect or maintain a sewage system in compliance with the standards prescribed in the regulations; or

(d) uses or operates a sewage system for which a permit required under section 67 has not been issued,

the Director may make such order as he considers necessary in order to lessen or prevent the deposit, addition, emission
or discharge of any contaminant into the natural environment. 1972, c. 106, s. 24; 1974, c. 20, s. 20.

(2) When a person to whom an order is directed under subsection (1) fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof which may be recovered with costs in any court of competent jurisdiction. 1971, c. 86, s. 60 (2).

69.—(1) No person shall engage in the business of,

(a) constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems; or

(b) storing, hauling or disposing of sewage from a sewage system,

without having first obtained a licence issued by the Director.

(2) Subject to subsection (3), an applicant for a licence who,

(a) pays the prescribed fee; and

(b) meets the requirements of the regulations,

is entitled to be issued such licence by the Director.

(3) The Director may,

(a) refuse to issue or renew a licence; or

(b) suspend or revoke a licence,

where the licensee is in contravention of this Act or the regulations or the licensee is in breach of any term or condition of the licence or, where the Director is of the opinion that,

(c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the business that would be or is authorized by the licence;

(d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for
belief that the business that would be or is authorized by the licence will not be carried on in accordance with law;

(e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or

(f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations.

Idem

(4) The Director may impose, alter or revoke terms and conditions in a licence in order,

(a) to restrict the area in which a licensee may operate; and

(b) to control the method or place or both of storing, hauling, collecting, transferring and disposing of sewage from a sewage system.

Expiration of licence

(5) A licence expires twelve months after the date of its issue or renewal.

Not transferable

(6) A licence is not transferable. 1972, c. 106, s. 25.

Interpretation

70.—(1) In this section, "municipality" means the corporation of a metropolitan area, regional area or a district area, a local municipality which is not included in a metropolitan, regional or district area, a county, a local board of a health unit or a local board of health.

(2) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the whole or any part or parts of the area under the jurisdiction of the municipality providing for,

(a) the issuance by the municipality of certificates of approval pursuant to this Part;

(b) the issuance by the municipality of permits pursuant to this Part;

(c) the making of orders by the municipality pursuant to this Part;
(d) the carrying out of inspections respecting sewage systems under this Part that may be necessary or expedient,

(i) for the exercise by the municipality of such powers or duties under this Part as may be specified in the agreement, and

(ii) with respect to such applications under the Planning Act for consents under section 29 of that Act or for approvals of plans of subdivision under section 36 of that Act as may be specified in the agreement; or

(e) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof. 1973, c. 94, s. 6, part.

(3) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the Director for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement. 1973, c. 94, s. 6, part; 1974, c. 20, s. 21.

71.—(1) Subject to subsection (2), where an application is made for a consent under section 29 of the Planning Act or for approval of a plan of subdivision under section 36 of the Planning Act, the applicant shall pay a fee at the rate or rates prescribed by the regulations to the Treasurer of Ontario or, where an agreement is made under section 70, to the person specified in the agreement,

(a) in the case of an application under section 29 of the Planning Act, for each parcel of land in respect of which the application is made; and

(b) in the case of an application under section 36 of the Planning Act, for each lot on the proposed plan of subdivision. 1973, c. 94, s. 6, part.
Exemption

(2) No fee is payable under subsection (1), in respect of,

(a) in the case of an application for a consent under section 29 of the Planning Act,

(i) a parcel of land more than four hectares in area in respect of which the application is made,

(ii) a parcel of land in respect of which the application is made that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made,

(iii) a parcel of land in respect of which the application is made and for which a sewage works has been approved under section 24 of the Ontario Water Resources Act to serve the parcel of land; or

(b) in the case of an application under section 36 of the Planning Act,

(i) any lot that is more than four hectares in area on the proposed plan of subdivision, or

(ii) any lot that the application states will be served by a sewage works that has been approved or in respect of which an application has been or will be made for approval under section 24 of the Ontario Water Resources Act,

where the applicant files with the Director an affidavit showing that he is entitled to the benefit of the exemption set out in this subsection. 1973, c. 94, s. 6, part; 1978, c. 87, s. 17.

Certificate of exemption

(3) Where an affidavit is filed under subsection (2) with the Director, the Director shall cause to be prepared a certificate of exemption from the provisions of subsection (1) and cause the certificate to be delivered to the person filing the affidavit. 1973, c. 94, s. 6, part; 1974, c. 20, s. 22.

Consent not to be given until fee paid

(4) A consent under section 29 of the Planning Act or an approval under section 36 of the Planning Act shall not be given before the fees mentioned in subsection (1) have been paid or a certificate has been delivered pursuant to subsection (3).
(5) In this section, “immediate family” means the son, daughter, son-in-law, daughter-in-law, father, mother, grandchild, grandparent, adopted son, adopted daughter, stepson, stepdaughter or a person to whom the owner stands in loco parentis.

(6) In addition to any other remedy and to any penalty imposed by law, any fee due and payable under this section,

(a) to the Treasurer of Ontario, may be recovered with costs by the Minister as a debt due to Her Majesty the Queen in right of Ontario; or

(b) to the corporation of a metropolitan, regional or district area, a county or a local municipality, may be recovered with costs by such corporation as a debt due to such corporation,

in a court of competent jurisdiction. 1973, c. 94, s. 6, part.

72. Any person who, in person or through an agent, representative or employee and any such agent, representative or employee who contravenes any provision of this Part or the regulations or any order or fails to comply with any term or condition of a certificate of approval or licence issued under this Part is guilty of an offence and on conviction is liable to a fine of not more than $1,000. 1971, c. 86, s. 62; 1972, c. 106, s. 26.

PART VIII

LITTER

73. In this Part, “litter” includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and “littering” has a corresponding meaning. 1971, c. 86, s. 63.

74. The Minister, for the purposes of the administration and enforcement of this Part and the regulations, may conduct research and studies in the reprocessing, reusing or degradability of packaging or containers and in the management and disposal of litter. 1971, c. 86, s. 64.

75. No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter. 1971, c. 86, s. 65.
76. The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe. 1971, c. 86, s. 66.

77. No person shall use, offer or expose for sale or sell, for use in Ontario, any packaging, container or material for packaging or containers contrary to this Act or the regulations. 1971, c. 86, s. 67.

78. Any person, whether acting personally or through an agent, representative or employee, and any such agent, representative or employee who contravenes any provision of this Part or the regulations is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $100 and for each subsequent offence to a fine of not more than $1,000. 1971, c. 86, s. 68.

PART IX
SPILLS

79.—(1) In this Part,

(a) “adverse effects” means the effects, or any of the effects, mentioned in clauses 80 (1) (a) to (h);

(b) “discharge”, when used as a verb, includes add, deposit, emit or leak and, when used as a noun, includes addition, deposit, emission or leak;

(c) “municipality” means the corporation of a county, city, town, village, township or improvement district;

(d) “owner of the pollutant” means the owner of the pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and “owner of a pollutant” has a corresponding meaning;

(e) “person having control of a pollutant” means the person and his employee or agent, if any, having the charge, management or control of a pollutant immediately before the first discharge of the pol-
lutan, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and "person having control of the pollutant" has a corresponding meaning;

(f) "pollutant" means a contaminant other than heat, sound, vibration or radiation, and includes any substance from which a pollutant is derived;

(g) "practicable" means capable of being effected or accomplished;

(h) "regional municipality" means the corporation of a metropolitan area, regional area or district area;

(i) "restore the natural environment", when used with reference to a spill of a pollutant, means restore all forms of life, physical conditions, the natural environment and things existing immediately before the spill of the pollutant that are affected or that may reasonably be expected to be affected by the pollutant, and "restoration of the natural environment", when used with reference to a spill of a pollutant, has a corresponding meaning;

(j) "spill", when used with reference to a pollutant, means a discharge,

(i) into the natural environment,

(ii) from or out of a structure, vehicle or other container, and

(iii) that is abnormal in quality or quantity in light of all the circumstances of the discharge,

and when used as a verb has a corresponding meaning;

(k) "substance" means any solid, liquid or gas, or any combination of any of them.

(2) A discharge of a pollutant designated by the regulations Abnormal discharge at a location designated by the regulations shall be deemed to be in a quantity or with a quality abnormal at the location.

(3) In determining what is practicable for the purposes of this Practicable Part, regard shall be had to the technical, physical and financial resources that are or can reasonably be made available.
(4) This Part does not apply to the disposal of animal wastes in accordance with normal farming practices.

(5) A reference in this Part, other than in section 80, to an owner of a pollutant or a person having control of a pollutant includes a successor, assignee, executor or administrator of the owner of the pollutant or the person having control of the pollutant. 1979, c. 91, s. 2, part.

80.—(1) Every person having control of a pollutant that is spilled and every person who spills or causes or permits a spill of a pollutant that,

(a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;

(b) causes or is likely to cause injury or damage to property or to plant or animal life;

(c) causes or is likely to cause harm or material discomfort to any person;

(d) adversely affects or is likely to adversely affect the health of any person;

(e) impairs or is likely to impair the safety of any person;

(f) renders or is likely to render any property or plant or animal life unfit for use by man;

(g) causes or is likely to cause loss of enjoyment of normal use of property; or

(h) interferes or is likely to interfere with the normal conduct of business,

shall forthwith notify,

(i) the Ministry;

(j) the municipality or, if the spill occurred within the boundaries of a regional municipality, the regional municipality within the boundaries of which the spill occurred;

(k) where the person is not the owner of the pollutant and knows or is able to ascertain readily the identity of the owner of the pollutant, the owner of the pollutant; and

(l) where the person is not the person having control of the pollutant and knows or is able to ascertain
readily the identity of the person having control of the pollutant, the person having control of the pollutant, of the spill, of the circumstances thereof, and of the action that the person has taken or intends to take with respect thereto.

(2) The duty imposed by subsection (1) comes into force in respect of each of the persons having control of the pollutant and the person who spills or causes or permits the spill of the pollutant immediately he knows or ought to know that the pollutant is spilled and is causing or is likely to cause adverse effects.

(3) The person required by subsection (1) to give notice and the owner of the pollutant shall give to the Director such additional information in respect of the pollutant, the source of the pollutant and the spill of the pollutant as may be required by the Director.

(4) A member of a police force or an employee of a municipality or other public authority who is informed of or who investigates the spill of a pollutant shall forthwith notify the Ministry of the spill of the pollutant unless he has reasonable grounds for believing that such notice has been given to the Ministry by another person. 1979, c. 91, s. 2, part.

81.—(1) The owner of a pollutant and the person having control of a pollutant that is spilled and that causes or is likely to cause adverse effects shall forthwith do everything practicable to prevent, eliminate and ameliorate the adverse effects and to restore the natural environment.

(2) The duty imposed by subsection (1) comes into force in respect of each of the owner of the pollutant and the person having control of the pollutant immediately the owner or person, as the case may be, knows or ought to know that the pollutant is spilled and is causing or is likely to cause adverse effects. 1979, c. 91, s. 2, part.

82.—(1) Where a pollutant is spilled and the Minister is of the opinion that there are or are likely to be adverse effects as a result of the spill, the Minister, in the circumstances specified in subsection (2), may give directions in accordance with subsection (3) to the employees and agents of the Ministry.

(2) The Minister may give directions in accordance with subsection (3) where the Minister is of the opinion that it is in the best interest of the public to do so and,
(a) the Minister is of the opinion that neither the person having control of the pollutant nor the owner of the pollutant will carry out promptly the duty imposed by section 81;

(b) the Minister is of the opinion that the person having control of the pollutant or the owner of the pollutant cannot be readily identified or located and that as a result the duty imposed by section 81 will not be carried out promptly; or

(c) the person having control of the pollutant or the owner of the pollutant requests the assistance of the Minister in order to carry out the duty imposed by section 81.

(3) Under this section, the Minister may direct the employees and agents of the Ministry to do everything practicable or to take such action as may be specified in the directions in respect of the prevention, elimination and amelioration of the adverse effects and the restoration of the natural environment.

(4) The Minister may give directions amending or revoking directions given under this section.

(5) No Act, regulation, by-law, order, permit, approval or licence bars the employees and agents of the Ministry from acting in accordance with directions given by the Minister under this section.

(6) The Minister need not hold or afford to any person an opportunity for a hearing before giving directions under this section. 1979, c. 91, s. 2, part.

83.—(1) For the purpose of carrying out any duty imposed or order or direction made or given under this Part, any person subject to the duty or to whom the order or direction is made or given and his employees and agents, may enter and have access through or over any building, structure, vehicle, land, water or air and may construct structures and use machinery, structures, materials, and equipment therein or thereon and may remove therefrom the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant.

(2) The rights set out in subsection (1) may be enforced by application without notice to a judge of the Supreme Court or a local judge of the High Court by a person, employee or agent referred to in subsection (1).
(3) Where the judge or local judge is satisfied, on an application under subsection (2), that there is reasonable ground for believing that it is necessary,

(a) to enter and have access through or over any building, structure, vehicle, land, water or air;

(b) to construct structures or use machinery, structures, materials or equipment therein or thereon; or

(c) to remove the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant,

for the purpose of carrying out any duty imposed or order or direction made or given under this Part, the judge or local judge may issue an order authorizing the person and his employees and agents or any one or more of them to act as mentioned in clauses (a), (b) and (c), or any of them, but every such action shall be taken between sunrise and sunset unless the judge or local judge authorizes them or any of them to act at another time. 1979, c. 91, s. 2, part.

84.—(1) No person, employee or agent exercising any authority under subsection 88 (1) or carrying out any duty imposed or order or direction made or given under this Part shall dispose of or use any pollutant, or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant except,

(a) in accordance with an order of or direction by the Minister under this or any other Act;

(b) in accordance with a direction by or the approval of the Director, but such a direction or approval shall not be contrary to the regulations; or

(c) in accordance with an approval, order, requirement or direction by the Director under any other Part of this Act or by a Director under any other Act administered by the Minister, but such an approval, order, requirement or direction shall not be contrary to the regulations.

(2) The Director may give to any person, employee or agent mentioned in subsection (1), and may amend or revoke, a direction or approval mentioned in clause (1) (b) and may do so notwithstanding the terms of or conditions in a certificate of approval issued under Part V in respect of a waste disposal site.
(3) The Director may attach such conditions as he considers necessary to an approval mentioned in clause (1) (b).

(4) The Director need not hold or afford to any person an opportunity for a hearing before giving, amending or revoking a direction or approval referred to in clause (1) (b).

85.—(1) Where a pollutant is spilled and the Minister is of the opinion that there are or are likely to be adverse effects and that it is in the best interest of the public to make an order under this section, the Minister may make an order directed to one or more of the following:

1. The owner of the pollutant.

2. The person having control of the pollutant.

3. The owner or the person having the charge, management or control of any real property or personal property that is affected or that may reasonably be expected to be affected by the pollutant.

4. The municipality or regional municipality, or both of them, within whose boundaries the spill occurred.

5. Any municipality or regional municipality contiguous to the municipality or regional municipality within whose boundaries the spill occurred.

6. Any municipality or regional municipality that is affected or that may reasonably be expected to be affected by the spill of the pollutant.

7. Any public authority.

8. Any person who is or may be adversely affected by the pollutant or whose assistance is necessary, in the opinion of the Minister, to prevent, eliminate or ameliorate the adverse effects or to restore the natural environment.

(2) In an order under this section, the Minister may require the doing of everything practicable or the taking of such action as may be specified in the order in respect of the prevention, elimination and amelioration of the adverse
effects and the restoration of the natural environment within such period or periods of time as may be specified in the order.

(3) In an order under this section, the Minister may require the doing of everything practicable or the taking of such action as may be specified in the order in respect of the use or disposal of,

(a) the pollutant; or

(b) any matter, thing, plant or animal or any part of the natural environment affected or that may reasonably be expected to be affected by the pollutant,

within such period or periods of time as may be specified in the order.

(4) The Minister by an order may amend or revoke an order made under this section.

(5) The Minister may make an order under this section notwithstanding any Act, regulation, by-law, order, permit, approval or licence.

(6) The Minister need not hold or afford to any person an opportunity for a hearing before making an order under this section.

(7) The Minister may direct, orally or in writing, a representative of the Ministry to give a written notice setting out an order of the Minister made orally or in writing under this section.

(8) An order of the Minister set out in a notice under subsection (7) is for all purposes an order of the Minister made under this section.

(9) Where an order under this section or a notice under subsection (7) that sets out an order is given to an employee or agent of an employer or principal named in the order, the order shall be deemed to be given to the employer or principal.

(10) An order under this section is not effective unless it is set out in writing or is set out in a notice referred to in subsection (7). 1979, c. 91, s. 2, part.
86. A person that in good faith and in a reasonable manner, in carrying out or attempting to carry out,

(a) a duty imposed by this Part; or

(b) an order or direction by the Minister or a direction or approval by the Director under this Part,

takes or refrains from taking any action shall not be convicted of an offence in respect of such taking or refraining from taking of action. 1979, c. 91, s. 2, part.

87.—(1) In this section, "loss or damage" includes personal injury, loss of life, loss of use or enjoyment of property and pecuniary loss, including loss of income.

(2) Her Majesty in right of Ontario or in right of Canada or any other person has the right to compensation,

(a) for loss or damage incurred as a direct result of,

(i) the spill of a pollutant that causes or is likely to cause adverse effects,

(ii) the exercise of any authority under subsection 88 (1) or the carrying out of or attempting to carry out a duty imposed or an order or direction made under this Part, or

(iii) neglect or default in carrying out a duty imposed or an order or direction made under this Part;

(b) for all reasonable cost and expense incurred in respect of carrying out or attempting to carry out an order or direction under this Part,

from the owner of the pollutant and the person having control of the pollutant.

(3) An owner of a pollutant or a person having control of a pollutant is not liable under subsection (2) if he establishes that he took all reasonable steps to prevent the spill of the pollutant or if he establishes that the spill of the pollutant was wholly caused by,

(a) an act of war, civil war, insurrection, an act of terrorism or an act of hostility by the government of a foreign country;
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(b) a natural phenomenon of an exceptional, inevitable and irresistible character; or

(c) an act or omission with intent to cause harm by a person other than a person for whose wrongful act or omission the owner of the pollutant or the person having control of the pollutant is by law responsible,
or any combination thereof.

(4) Subsection (3) does not relieve the owner of the pollutant or the person having control of the pollutant,

(a) from liability for loss or damage that is a direct result of neglect or default of the owner of the pollutant or the person having control of the pollutant in carrying out a duty imposed or an order or direction made under this Part; or

(b) from liability, under clause (2) (a), for cost and expense incurred or, under clause (2) (b), for all reasonable cost and expense incurred,

(i) to do everything practicable to prevent, eliminate and ameliorate the adverse effects; or

(ii) to do everything practicable to restore the natural environment,
or both.

(5) The right to compensation under subsection (2) may be enforced by action in a court of competent jurisdiction.

(6) Liability under subsection (2) does not depend upon fault or negligence.

(7) In an action under this section,

(a) where the plaintiff is an owner of the pollutant or a person having control of the pollutant, the court shall determine the degree, if any, in which the plaintiff would be liable to make contribution or indemnification under subsection (8) if the plaintiff were a defendant; and

(b) where the plaintiff is not an owner or a person having control referred to in clause (a), the court shall determine the degree, if any, in which the plaintiff caused or contributed to the loss, damage, cost or expense by fault or negligence.
and the court shall reduce the compensation by the degree, if any, so determined.

(8) Where two or more persons are liable to pay compensation under this section, they are jointly and severally liable to the person suffering the loss, damage, cost or expense but as between themselves, in the absence of an express or implied contract, each is liable to make contribution to and indemnify each other in accordance with the following principles:

1. Where two or more persons are liable to pay compensation under this section and one or more of them caused or contributed to the loss, damage, cost or expense by fault or negligence, such one or more of them shall make contribution to and indemnify,

   i. where one person is found at fault or negligent, any other person liable to pay compensation under this section, and

   ii. where two or more persons are found at fault or negligent, each other and any other person liable to pay compensation under this section in the degree in which each of such two or more persons caused or contributed to the loss, damage, cost or expense by fault or negligence.

2. For the purpose of subparagraph ii of paragraph 1, if it is not practicable to determine the respective degrees in which the fault or negligence of two or more persons liable to pay compensation under this section caused or contributed to the loss, damage, cost or expense, such two or more persons shall be deemed to be equally at fault or negligent.

3. Where no person liable to pay compensation under this section caused or contributed to the loss, damage, cost or expense by fault or negligence, each of the persons liable to pay compensation is liable to make contribution to and indemnify each other in such degree as is determined to be just and equitable in the circumstances.

(9) The right to contribution or indemnification under subsection (8) may be enforced by action in a court of competent jurisdiction.

(10) Wherever it appears that a person not already a party to an action under this section may be liable in respect of the
loss, damage, cost or expense for which compensation is claimed, the person may be added as a party defendant to the action upon such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties.

(11) A person liable to pay compensation under this section may recover contribution or indemnity from any other person liable to pay compensation under this section in respect of the loss, damage, cost or expense for which the compensation is claimed by settling with the person suffering the loss, damage, cost or expense and continuing the action or commencing an action against such other person.

(12) A person who has settled a claim and continued or commenced an action as mentioned in subsection (11) must satisfy the court that the amount of the settlement was reasonable, and, if the court finds the amount was excessive, the court may fix the amount at which the claim should have been settled.

(13) No person is liable to an action for compensation under this section unless the action is commenced within two years from,

(a) where the person commencing the action incurred loss or damage as a result of the spill of a pollutant, the date when the person knew or ought to have known of the loss or damage;

(b) where the person commencing the action incurred loss or damage as a result of carrying out or attempting to carry out or neglect or default in carrying out a duty imposed or an order or direction made under this Part, the date when the person knew or ought to have known of the loss or damage; or

(c) where the person commencing the action incurred cost and expense in respect of carrying out or attempting to carry out an order or direction made under this Part, the date when the person incurred the cost and expense.

(14) Where, within the period of time prescribed by subsection (13), an action for compensation is commenced against a person liable to pay compensation under this section or a person liable to pay compensation under this section settles a claim for compensation with a person who has suffered loss, damage, cost or expense, no proceedings for contribution or indemnity against another person liable to pay compensation under this section are defeated by the operation of any Act
limiting the time for the commencement of action against such other person if,

(a) the proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and

(b) there has been compliance with any Act requiring notice of claim against such other person. 1979, c. 91, s. 2, part.

88.—(1) Where a pollutant is spilled and causes or is likely to cause adverse effects,

(a) a municipality;

(b) a regional municipality; and

(c) a person or a member of a class of persons designated by the regulations,

or any one or more of them, may do everything practicable to prevent, eliminate and ameliorate the adverse effects and to restore the natural environment.

(2) A municipality or regional municipality or a person or member of a class of persons designated by the regulations acting under subsection (1) or an employee or agent of any of them so acting has the rights of a person under section 83 and, if acting in good faith and in a reasonable manner, the immunity conferred on a person by section 86.

(3) A municipality or regional municipality or a person or a member of a class of persons designated by the regulations acting under subsection (1) must,

(a) co-ordinate efforts with;

(b) make use of the expertise of; and

(c) not impede,

a person carrying out a duty, order or direction under this Part.

(4) A municipality, a regional municipality or a person or member of a class of persons designated by the regulations has the right to compensation from the owner of the pollutant and the person having control of the pollutant for all reasonable cost and expense incurred in acting under subsection (1).
(5) The right to compensation under subsection (4) may be enforced by action in a court of competent jurisdiction.

(6) Where the right to compensation under subsection (4) arises, subsections 87 (6) to (14) apply with necessary modifications. 1979, c. 91, s. 2, part.

89.—(1) A person, other than a person referred to in subsection (2), entitled under clause 87 (2) (b) to compensation for reasonable cost and expense has the right, subject to the conditions prescribed by the regulations, to payment of such compensation from Her Majesty in right of Ontario.

(2) Subsection (1) does not give a right to payment of compensation to,

(a) the owner of the pollutant;

(b) the person having control of the pollutant;

(c) a person liable at law other than under this Part for loss, damage, cost or expense arising from the spill of the pollutant;

(d) a person that has a right under a contract to payment of the reasonable cost and expense referred to in subsection (1),

or an employee or agent of any of them.

(3) The right to payment of compensation under subsection (1) may be enforced by action in a court of competent jurisdiction.

(4) Where compensation has been paid under subsection (1), Her Majesty in right of Ontario has the right to recover in the place of the person to whom the compensation was paid to the extent of the amount of the payment of compensation by and any costs of Her Majesty.

(5) Her Majesty in right of Ontario is entitled under subsection (4) to all rights of recovery whether under this Part or otherwise that the person has against any other person.

(6) For the purposes of subsection (4), the payment of compensation by Her Majesty in right of Ontario under subsection (1) shall not be construed to affect the right of the person under subsection 87 (2) to compensation for reasonable cost and expense so paid by Her Majesty.
(7) The right to compensation under subsection (4) may be enforced in a court of competent jurisdiction by Her Majesty in right of Ontario in Her Majesty's name or in the name of the person to whom the compensation has been paid.

(8) A person that fails to comply with or contravenes a condition prescribed by the regulations that must be complied with before payment of compensation under subsection (1) is disentitled to the payment.

(9) Where a person fails to comply with or contravenes a condition prescribed by the regulations that attaches to the payment of compensation under subsection (1), Her Majesty in right of Ontario has the right to recover the amount of the compensation paid and the right may be enforced in a court of competent jurisdiction.

(10) An insurer as defined in the Insurance Act only acquires its subrogated right of recovery under any law, including sections 129 and 242 of the Insurance Act, or the provisions of any contract of insurance in respect of a person to whom a payment of compensation has been made under subsection (1) when Her Majesty in right of Ontario consents in writing to a settlement in accordance with which the right of recovery is discharged or to the bringing of an action to enforce the right of recovery.

(11) If an insurer referred to in subsection (10) purports to make a settlement or brings an action without the consent of Her Majesty, the insurer is liable to Her Majesty in right of Ontario in an amount equal to the amount of the payment of compensation under subsection (1) to the extent of the recovery under the judgment with respect to which the action was brought or the amount paid to the insurer in accordance with the settlement.

(12) A release in furtherance of or in accordance with a purported settlement made without the consent of Her Majesty in right of Ontario is a nullity.

(13) Her Majesty shall not unreasonably withhold the consent referred to in subsections (10), (11) and (12), but Her Majesty may attach conditions to the consent and may revoke the consent for breach of such a condition.

(14) The provisions of this section apply notwithstanding any other law or the provisions of any contract of insurance. 1979, c. 91, s. 2, part.

90. In this section and in sections 91 to 108,

(a) “corporation” means the Environmental Compensation Corporation referred to in section 99;
(b) "director" means director of the corporation;

(c) "payment" means payment referred to in subsection 91 (1) in respect of a spill of a pollutant. 1979, c. 91, s. 2, part.

91.—(1) Upon application, the corporation shall authorize payment in respect of a spill of a pollutant to,

(a) any person who has incurred loss or damage as a direct result of,

(i) the spill of a pollutant that causes or is likely to cause adverse effects,

(ii) the exercise of any authority under subsection 88 (1) or the carrying out of or attempting to carry out a duty imposed or an order or direction made under this Part, or

(iii) neglect or default in carrying out a duty imposed or an order or direction made under this Part;

(b) any person who has incurred reasonable cost and expense in respect of carrying out or attempting to carry out an order or direction under this Part; and

(c) the owner of the pollutant and the person having control of the pollutant who are liable to pay compensation under this Part,

if such person, owner of the pollutant or person having control of the pollutant is a member of a class prescribed by the regulations and meets the conditions prescribed by the regulations.

(2) The amount of the payment that the corporation shall authorize under subsection (1) shall be calculated in the manner prescribed by the regulations,

(a) generally;

(b) in respect of the class of which the person, the owner of the pollutant or the person having control of the pollutant is a member; or

(c) in respect of a class prescribed by the regulations,

(i) of spills of pollutants,

(ii) of loss or damage, or

(iii) of cost or expense.
(3) The corporation shall not authorize payment under subsection (1) in excess of a limit prescribed by the regulations or in excess of a limit calculated in the manner prescribed by the regulations and, in either case,

(a) generally;

(b) in respect of the class of which the person, the owner of the pollutant or the person having control of the pollutant is a member; or

(c) in respect of a class prescribed by the regulations,

(i) of spills of pollutants,

(ii) of loss or damage, or

(iii) of cost or expense. 1979, c. 91, s. 2, part.

92.—(1) The corporation shall not authorize a payment to a person who fails to comply with or contravenes a condition prescribed by the regulations that must be complied with before the payment.

(2) Where a person fails to comply with or contravenes a condition prescribed by the regulations that attaches to a payment, the corporation has the right to recover on behalf of Her Majesty in right of Ontario the amount of the payment and the costs of the corporation, and the right may be enforced by action in a court of competent jurisdiction. 1979, c. 91, s. 2, part.

93. In assessing the amount of a payment, the corporation, except as may be prescribed by the regulations, shall take into consideration any benefit, compensation or indemnity payable to the person from any source. 1979, c. 91, s. 2, part.

94.—(1) The corporation shall make a proposal in respect of payment in connection with each application for payment and shall give notice of its proposal, together with written reasons therefor, to the applicant.

(2) The corporation may cause an investigation and report to be made in respect of the performance of its function and the exercise of its powers in any matter. 1979, c. 91, s. 2, part.

95. The Statutory Powers Procedure Act does not apply to proceedings of or proposals in respect of payment by the corporation under this Part or the regulations. 1979, c. 91, s. 2, part.

96.—(1) An applicant for payment may accept a proposal by the corporation by notice in writing given to the corporation
within twenty days after the applicant is given notice of the proposal or, if the applicant is dissatisfied with the proposal, the applicant may apply within the twenty days to the High Court by originating notice for the determination of the right of the applicant to payment and the amount of the payment, and on such application the court, in accordance with the rules of court, may determine the right to payment and the amount or may direct the trial of the issue.

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the hearing of an application by the High Court under subsection (1) or any proceeding or appeal with respect thereto.

(3) The corporation may extend the time for accepting a proposal by the corporation under subsection (1), either before or after the expiration of the time, where the corporation is satisfied that there are reasonable grounds for applying for the extension.

(4) The High Court may extend the time for applying to the High Court under subsection (1), either before or after the expiration of the time, where the High Court is satisfied that there are prima facie grounds for making a determination in favour of the applicant following the hearing or the trial of the issue under subsection (1) and that there are reasonable grounds for applying for the extension, and the High Court may give such directions as it considers proper consequent upon the extension. 1979, c. 91, s. 2, part.

97.—(1) Where, in accordance with this Part and the regulations, an applicant has accepted a proposal by the corporation or has applied to the High Court and it has been finally determined that the applicant is entitled to payment and the amount of the payment has been finally determined, the corporation shall certify to the Treasurer of Ontario in the form prescribed by the regulations the amount of the payment and the person to whom it is payable and, subject to subsection (2), the Treasurer shall pay such amount to the person out of the Consolidated Revenue Fund.

(2) The Treasurer of Ontario shall make payments under subsection (1) only during such period of time and subject to such conditions as may be prescribed by the regulations. 1979, c. 91, s. 2, part.

98.—(1) Where a payment is made in accordance with a certificate of the corporation, the corporation has the right on behalf of Her Majesty in right of Ontario to recover in the place of the person to whom the payment was made to the extent of the payment and any costs of the corporation.

(2) The corporation is entitled under subsection (1) to all rights of recovery whether under this Part or otherwise that the person has against any other person.
(3) The payment of an amount to a person in accordance with a certificate of the corporation shall not be construed to affect the right of the person to compensation under this Part or otherwise at law.

(4) The right of the corporation to recover under subsection (1) may be enforced in a court of competent jurisdiction by the corporation in its name or in the name of the person to whom the payment has been made.

(5) An insurer as defined in the Insurance Act only acquires its subrogated right of recovery under any law, including sections 129 and 242 of the Insurance Act, or the provisions of any contract of insurance in respect of a person to whom a payment has been made in accordance with a certificate of the corporation when the corporation gives its consent in writing to a settlement in accordance with which the right of recovery is discharged or to the bringing of an action to enforce the right of recovery.

(6) If an insurer referred to in subsection (5) purports to make a settlement or brings an action without the consent of the corporation, the insurer is liable to the corporation in an amount equal to the amount of the payment made in accordance with the certificate of the corporation to the extent of the recovery under the judgment with respect to which the action was brought or the amount paid to the insurer in accordance with the settlement.

(7) A release in furtherance of or in accordance with a purported settlement made without the consent of the corporation is a nullity.

(8) The corporation shall not unreasonably withhold the consent referred to in subsections (5), (6) and (7) but the corporation may attach conditions to the consent and may revoke the consent for breach of such a condition.

(9) The provisions of this section apply notwithstanding any law or the provisions of any contract of insurance. 1979, c. 91, s. 2, part.

99.—(1) There is hereby established a corporation without share capital with the name "Environmental Compensation Corporation".

(2) The corporation shall be composed of not fewer than three directors who shall be appointed by the Lieutenant Governor in Council.

(3) The term of office of a director of the corporation is three years or until his successor is appointed and a director is eligible for reappointment.
(4) The Lieutenant Governor in Council shall designate one of the directors as chairman.

(5) A majority of the directors of the corporation constitutes a quorum.

(6) The chairman may, in writing, authorize less than a quorum of the directors of the corporation to exercise the powers of the corporation in any matter specified by the chairman. 1979, c. 91, s. 2, part.

100.—(1) The affairs of the corporation are under the management of its directors.

(2) The directors may make by-laws regulating the proceedings of the corporation, governing the exercise of its powers and generally for the conduct and management of the affairs of the corporation.

(3) Where the Minister requests in writing that the corporation make, amend or revoke a by-law and the corporation has failed to do so, the Lieutenant Governor in Council may make the by-law, amendment or revocation specified in the request. 1979, c. 91, s. 2, part.

101. The powers of the corporation are,

(a) to receive and assess applications for payment in accordance with sections 90 to 108 and the regulations;

(b) to authorize payments in accordance with sections 90 to 108 and the regulations;

(c) to take action or commence proceedings in any case where the corporation is authorized to do so by or under any Act or law; and

(d) to carry out such other duties as may be prescribed by the regulations. 1979, c. 91, s. 2, part.

102. The corporation shall pay those of its directors who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be fixed from time to time by the Lieutenant Governor in Council. 1979, c. 91, s. 2, part.

103.—(1) The Corporation is an agency of the Crown.

(2) The Corporations Act and the Corporations Information Act do not apply to the corporation. 1979, c. 91, s. 2, part.

104. The corporation may engage on a temporary basis the services of persons having technical or specialized knowledge to
advise and assist the corporation in performing its function and exercising its powers and, with the approval of the Lieutenant Governor in Council, the corporation may fix and pay the remuneration and expenses of such persons. 1979, c. 91, s. 2, part.

105.—(1) The corporation may appoint inspectors to make investigations in respect of spills of pollutants in order to assist the corporation in the performance of its function and the exercise of its powers and to carry out such additional duties as may be prescribed by the regulations.

(2) It is the duty of an inspector appointed by the corporation,

(a) to make investigations in respect of spills of pollutants in order to assist the corporation in assessing applications for payment received by the corporation;

(b) to make such other investigations in respect of spills of pollutants as may be necessary or advisable to assist the corporation to perform its function and to exercise its powers; and

(c) to carry out such additional duties as may be prescribed by the regulations. 1979, c. 91, s. 2, part.

106.—(1) Except as to information in respect of a spill of a pollutant, every director and every employee of the corporation and every person engaged or appointed by the corporation shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment under this Act and shall not communicate any such matter to any other person except,

(a) in connection with the administration of this Act and the regulations or in connection with any proceeding under this Act or the regulations;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no person to whom subsection (1) applies shall be required to give testimony, other than testimony in respect of a spill of a pollutant, in any civil suit or proceeding with regard to information obtained by him in the course of his duties or employment. 1979, c. 91, s. 2, part.

107. Section 140 (which provides protection from personal liability) applies to the directors and the employees of the corpora-
tion and to persons engaged or appointed by the corporation in the same manner as it applies to persons described in that section. 1979, c. 91, s. 2, part.

108. The accounts and financial transactions of the corporation shall be audited annually by the Provincial Auditor, and reports of the audit shall be made to the corporation and to the Minister. 1979, c. 91, s. 2, part.

109.—(1) The corporation shall make a report annually to the Minister upon the affairs of the corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The corporation, in addition to making an annual report, shall make to the Minister such other reports on its affairs and operations as the Minister may require. 1979, c. 91, s. 2, part.

110. Except as expressly provided in this Part, nothing in this Part limits or restricts any right or remedy that any person may have against another person. 1979, c. 91, s. 2, part.

111. The liability under this Part of farmers who are owners of pollutants or persons having control of pollutants and who are members of a class prescribed by the regulations is limited to the amount prescribed by the regulations or the amount calculated in the manner prescribed by the regulations in respect of such farmers. 1979, c. 91, s. 2, part.

112. This Part does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1979, c. 91, s. 6.

PART X

CONTROL ORDERS AND STOP ORDERS

113. The Director may, where he is authorized by this Act to issue an order known as a “control order”, order the person to whom it is directed to do any one or more of the following, namely,

(a) to limit or control the rate of addition, emission or discharge of the contaminant into the natural environment in accordance with the directions set out in the order;
(b) to stop the addition, emission or discharge of the contaminant into the natural environment,

(i) permanently,

(ii) for a specified period, or

(iii) in the circumstances set out in the order;

(c) to comply with any directions set out in the order relating to the manner in which the contaminant may be added, emitted or discharged into the natural environment;

(d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the contaminant into the natural environment; and

(e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment. 1971, c. 86, s. 70.

114. Subject to section 122, when a copy of a control order is served upon the person to whom it is directed, that person,

(a) shall comply with the order forthwith; or

(b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date. 1971, c. 86, s. 71.

115. The Director may, by a further order, amend, vary or revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed. 1971, c. 86, s. 72.

116.—(1) Where the Director proposes to issue a control order, he shall serve notice of his intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof.
(2) The person to whom the Director intends to issue the
control order may make submissions to the Director at any
time before the control order is issued. 1971, c. 86, s. 73.

117. The Director may, where he is authorized by this Act to issue an order known as a "stop order", order the
person to whom it is directed to immediately stop or cause
the source of contaminant to stop adding to, emitting or
discharging into the natural environment any contaminant
either permanently or for a specific period of time. 1971,
c. 86, s. 74.

118. A stop order shall be in writing and shall include written reasons for the order. 1971, c. 86, s. 75.

119.—(1) When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with
the order immediately.

(2) The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be
served on the person to whom the stop order was directed. 1971, c. 86, s. 76.

PART XI

APPEAL BOARD

120.—(1) The Environmental Appeal Board is continued
and shall consist of not fewer than five persons appointed by the
Lieutenant Governor in Council, who shall hold office during
pleasure and none of whom shall be members of the public service
in the employ of the Ministry. 1971, c. 86, s. 77 (1); 1972, c. 1,
s. 69 (4); 1972, c. 1, s. 1.

(2) The Lieutenant Governor in Council may appoint one of
the members of the Board as chairman and another of the mem-
bers as vice-chairman.

(3) Three members of the Board constitute a quorum.

(4) The members of the Board shall be paid such remuneration
and expenses as the Lieutenant Governor in Council from time to
time determines. 1971, c. 86, s. 77 (2-4).
(5) The chairman may authorize one member of the Board to conduct a hearing by the Board and such member has all the powers of the Board for the purpose of such hearing.

(6) The report of such member may be adopted as the decision of the Board by two other members of the Board, one of whom shall be the chairman or vice-chairman or may be otherwise dealt with as the Board considers proper.

(7) Such employees as are required for the purposes of the Board may be appointed under the *Public Service Act*. 1972, c. 1, s. 69 (5).

121.—(1) When the Director,

(a) refuses to give his approval of plans and specifications;

(b) requires a condition precedent to the giving of his approval;

(c) refuses to issue a certificate of approval or a provisional certificate of approval;

(d) refuses to renew a certificate of approval or a provisional certificate of approval; or

(e) suspends or revokes a certificate of approval or a provisional certificate of approval,

he shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board. 1971, c. 86, s. 78 (1).

(2) When the Director,

(a) refuses to issue or renew or cancels or suspends a licence or permit;

(b) imposes terms and conditions in issuing a licence or permit or certificate of approval or provisional certificate of approval; or
(c) alters the terms and conditions of a certificate of approval, provisional certificate of approval, a licence or permit after it is issued,

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence or permit or certificate of approval or provisional certificate of approval is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board. 1971, c. 86, s. 78 (2); 1972, c. 106, s. 28.

122.—(1) A person to whom an order of the Director is directed may, by written notice served upon the Director and the Board within fifteen days after service upon him of a copy of the order, require a hearing by the Board. 1971, c. 86, s. 79 (1).

(2) No imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or order, except a stop order shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed. 1971, c. 86, s. 79 (2); 1972, c. 106, s. 29, revised.

123.—(1) A hearing by the Board shall be a hearing de novo and the Board may confirm, alter or revoke the order, refusal or requirement that is the subject of the hearing.

(2) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board, appeal on a question of law to the county court of the county or district in which is located the source of contaminant, waste disposal site or waste management system which gives rise to the hearing before the Board.

(3) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection (2), appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1971, c. 86, s. 80.

124. The person requiring the hearing, the Director and any other person specified by the Board are parties to the hearing. 1971, c. 86, s. 81.
125. The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation relating thereto. 1973, c. 94, s. 7.

126.—(1) A provincial officer may survey from time to time anything that he has reason to believe is or may be a source of contaminant, and after completing such survey shall report his findings and his recommendations.

(2) The provincial officer shall file his report of his findings and recommendations with the Ministry and shall serve upon the person responsible for the source of contaminant a copy thereof. 1971, c. 86, s. 83; 1972, c. 1, s. 1.

127.—(1) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle; land, water or air and make or require to be made such surveys, examinations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts. 1973, c. 94, s. 8, part; 1974, c. 20, s. 25.

(2) Where a justice of the peace is satisfied, upon an ex parte application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the justice of the peace may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions mentioned in subsection (1) but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the justice of the peace authorizes the provincial officer, by the order, to so act at another time. 1973, c. 94, s. 8.

(3) Every person responsible for a source of contaminant shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations. 1971, c. 86, s. 84 (3).
128.—(1) Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. 1971, c. 86, s. 85.

(2) A provincial officer, for the purpose of carrying out the provisions of this Act and the regulations, may require the driver of any motor vehicle to stop and may inspect the motor vehicle and require the driver of the motor vehicle to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examinations and tests at such place or places and time or times as the provincial officer considers expedient and where the provincial officer considers it necessary or expedient he may call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

(3) Every driver of a motor vehicle shall stop or submit the motor vehicle, together with its equipment and any trailer attached, to such examinations and tests as may be required by a provincial officer or a member of a police force referred to in subsection (2). 1973, c. 94, s. 9.

129. No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations. 1973, c. 94, s. 10.

130.—(1) Except as to information in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

(a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;

(b) to his counsel; or
(c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony, other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, in any civil suit or proceeding with regard to information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations. 1971, c. 86, s. 87.

PART XIII

ENVIRONMENTAL COUNCIL

Interpretation

131. In this Part, "Council" means the Environmental Council. 1971, c. 86, s. 88.

Environmental Council established

132.—(1) A council to be known as the Environmental Council may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years.

Chairman and vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman.

Members

(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to the natural environment.

Vacancies

(4) Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council.

Remuneration

(5) The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine. 1971, c. 86, s. 89.

Duties of Council

133. The Council, through its chairman, shall,

(a) advise the Minister as to the results of current research related to,

(i) pollution, and

(ii) the natural environment; and
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(b) consider any matter affecting the quality of the environment which the Council or the Minister deems advisable and advise the Minister thereon through its chairman. 1971, c. 86, s. 90.

PART XIV
MISCELLANEOUS

134.—(1) Where a person complains that a contaminant is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation.

(3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage.

(4) The claimant shall permit the person responsible for such source of contaminant or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board.

(7) The board of negotiation may sit at any place in Ontario.

(8) If a complainant who has requested an investigation under subsection (1) desires to have his claim for injury or damage negotiated by the board of negotiation, he shall
notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.

**Notice of negotiation**

(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under sub-section (8), the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

**Negotiation proceedings**

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim. 1971, c. 86, s. 92.

**Consents, notices, etc., as evidence**

135. Any consent, notice, licence, permit, approval, order or certificate purporting to be signed by the Director or the Minister or by such officer of the Ministry as is designated in the regulations, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts set out therein without proof of the signature or the official position of the person appearing to have signed it. 1971, c. 86, s. 93; 1972, c. 1, s. 1.

**Regulations**

136.—(1) The Lieutenant Governor in Council may make regulations.

(a) classifying contaminants and sources of contaminants and exempting any classes from the provisions of this Act and the regulations;

(b) prohibiting or regulating and controlling the depositing, addition, emission or discharge of any contaminant or contaminants into the natural environment from any source of contaminant or any class thereof;

(c) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them;

(d) prescribing methods or standards, or both, for determining the amount, concentration or level of any
contaminant, combination of contaminants or any class of either of them;

(e) defining the desirable quality criteria of the natural environment;

(f) classifying persons for the purposes of this Act and exempting any class from any provision thereof;

(g) classifying plants, structures and things, prescribing classes thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing classes thereof for which the approval of the Director as to the plans and specifications is not required;

(h) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;

(i) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans;

(j) prescribing the maximum permissible concentration or level in water of any contaminant either generally or with respect to any part of the water of Ontario specified in the regulations;

(k) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations;

(l) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations;

(m) prescribing fees that may be charged and collected by the Ministry for copies of documents, maps, plans and drawings supplied by the Ministry;

(n) regulating the quality of fuels that may be used for heating, generating steam or electricity, for industrial
processes or for incineration. 1971, c. 86, s. 94 (1); 1972, c. 1, s. 1; 1972, c. 106, s. 31 (1); 1973, c. 94, s. 11 (1).

(2) The Lieutenant Governor in Council may make regulations relating to Part III,

(a) classifying motors and motor vehicles for the purpose of any regulation and exempting any class or type of motor or motor vehicle from any regulation;

(b) regulating or prohibiting the operation in all or any part of Ontario of any class or type of motor or motor vehicle in order to lessen or prevent the emission of any contaminant into the natural environment;

(c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of emission of any contaminant into the natural environment with which any such system or device shall comply and providing for testing and inspection of any such system or device;

(d) prescribing the standards of emission into the natural environment of any contaminant by any motor or motor vehicle or any class or type of motor or motor vehicle and providing for the testing and inspection of any such motor, motor vehicle, class or type;

(e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario. 1971, c. 86, s. 94 (2).

(3) The Lieutenant Governor in Council may make regulations relating to Part IV,

(a) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the
approval of the Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;

(b) regulating and controlling, for the purpose of preventing or reducing the pollution of any water, places or any class or classes thereof located on or adjacent to any water where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;

(c) defining sewage for the purposes of regulations made under clauses (a) and (b);

(d) prescribing forms and providing for their use for the purposes of Part IV;

(e) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;

(f) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations;

(g) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water. 1971, c. 86, s. 94 (3); 1973, c. 94, s. 11 (2).

(4) The Lieutenant Governor in Council may make regulations relating to Part V,

(a) designating wastes in addition to those specified in clause 24 (d), and exempting any wastes from the Part and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;

(b) classifying waste management systems and waste disposal sites, and exempting any class thereof from the Part or the regulations or any provision thereof,
and prescribing terms and conditions for such exemption;

(c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof;

(d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;

(e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;

(f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 34, and prescribing the terms and conditions upon which deposits may be returned under section 36;

(g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;

(h) prescribing the form of application and the procedure to be followed in applying for any compensation under the Part;

(i) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund. 1971, c. 86, s. 94 (4); 1972, c. 106, s. 31 (2, 3).

(5) The Lieutenant Governor in Council may make regulations relating to Part VII,

(a) prescribing standards for the construction, operation and maintenance of sewage systems;

(b) prescribing standards, methods and equipment for the cleaning, disinfecting and emptying of sewage systems;
(c) classifying sewage systems and exempting any class thereof from Part VII or the regulations or any provision thereof and prescribing terms and conditions for such exemptions;

(d) prescribing fees for certificates of approval and permits for the use or operation of sewage systems or any class or classes thereof;

(e) governing the location of sewage systems;

(f) designating areas in which any class of sewage system may not be established or operated;

(g) prescribing classes of licence holders and exempting any class from any provision of Part VII or any regulation made under this subsection, and attaching conditions to any such exemption;

(h) prescribing the qualification of licence holders, providing for the examination of applicants for licences and prescribing the fees for such examinations;

(i) providing for the issue and renewal of licences and the fees therefor;

(j) prescribing the records to be kept and the returns to be made by persons to whom a licence has been granted;

(k) prescribing fees or rates of fees payable and the procedure for payment under section 71;

(l) prescribing qualifications of inspectors, providing for their classification, examination and certification, prescribing fees for such examination and certification and providing for the terms upon which such certification may be suspended or cancelled and prohibiting any municipality from carrying out any inspections under an agreement under Part VII except by certified inspectors;

(m) exempting any parcel or class of parcels of land in respect of which an application for a consent is made under section 29 of the Planning Act from the payment of a fee under section 71. 1971, c. 86, s. 94 (6); 1972, c. 106, s. 31 (11, 12); 1973, c. 94, s. 11 (4).

(6) The Lieutenant Governor in Council may make regulations relating to Part VIII,
(a) defining standard, refillable, returnable, non-refillable or non-returnable in respect of containers and returnable or non-returnable in respect of packaging or defining any beverage for the purposes of the regulations;

(b) requiring payment of a deposit at the time of purchase of any material or any beverage packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;

(c) requiring and regulating the stocking, display, sale or offering for sale of any beverage,

   (i) in any class of container in relation to the stocking, display, sale or offering for sale of the beverage in any other class of container, or

   (ii) only in a class of container that may be prescribed;

(d) prohibiting the sale or offering for sale in Ontario of any beverage in any class of container or in or by means of a vending machine;

(e) requiring and regulating the advertising or display of,

   (i) the price of a beverage that is sold or offered for sale exclusive of the amount of any deposit payable on the purchase of the beverage,

   (ii) the amount of any deposit payable on the purchase of a beverage,

   (iii) the amount payable in return for any container,

   (iv) copies of the regulations or portions of the regulations or a summary thereof in such form as may be prescribed by the regulations;

(f) requiring that a notice or mark appear on any container of any beverage or on any label for any container of a beverage to indicate that the container is standard, refillable, returnable, non-refillable or non-returnable or in respect of a payment
to be made in return for the container and governing the size, form, content and position of the notice or mark;

(g) requiring and regulating the payment of an amount in return for any packaging or container, prescribing the amount to be paid and requiring and regulating the acceptance and collection of any packaging or container by such classes of persons as may be designated by the regulations;

(h) classifying packaging or containers or any materials or combinations of materials used as packaging or containers and classifying beverages;

(i) exempting any person or class of persons, any beverage or any packaging or container or any material or combination of materials used as packaging or a container from any provision of Part VIII or of the regulations;

(j) requiring, regulating and prohibiting the use, offering for sale or sale in Ontario of any packaging or container, or any material or combination of materials used as packaging or a container;

(k) providing a schedule for the regulation and the prohibition within five years of the use, offering for sale or sale in Ontario of non-refillable or non-returnable containers for any beverage;

(l) governing the material of the packaging or containers in any class of packaging or containers used or sold for use in Ontario;

(m) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;

(n) prescribing the amounts of grants to persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants. 1971, c. 86, s. 94 (7); 1972, c. 106, s. 31 (13); 1976, c. 49, s. 1 (1).

(7) The Lieutenant Governor in Council may make regulations relating to Part IX,
(a) designating persons and classes of persons for the purposes of subsection 89 (1) and prescribing limitations that shall attach to any such designation;

(b) prescribing conditions that must be complied with by applicants for payment of compensation under subsection 90 (1) before payment of the compensation;

(c) prescribing conditions that shall attach to the payment of compensation under subsection 90 (1);

(d) designating discharges of pollutants and locations of discharges for the purposes of subsection 80 (2), but no discharge of pollutant or location of discharge shall be designated that is in accordance with an approval, licence, permit, order or regulation under this Act or an approval, direction, notice, order, regulation or report under the Ontario Water Resources Act or a licence, order, permit or regulation under the Pesticides Act;

(e) classifying spills and exempting any spill or any class of spill from the application of Part IX or any section or portion of Part IX and attaching conditions to any such exemption;

(f) prescribing any matter required or authorized by Part IX to be, or referred to in those sections as, prescribed by the regulations;

(g) prescribing classes of or in respect of any matter that is or may be prescribed under clause (f);

(h) limiting the application of any regulation under clause (f) to any one or more of the classes prescribed under clause (g);

(i) classifying insurers, as defined in the Insurance Act, for the purposes of Part IX and exempting any class of insurers from the application of Part IX or any section or portion of Part IX and attaching conditions to any such exemption. 1979, c. 91, s. 5.

(8) Subsection (7) does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1979, c. 91, s. 6.
137.—(1) Any regulation may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation. 1974, c. 125, s. 2.

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted. 1971, c. 86, s. 95 (2).

(3) Any class under this Act or the regulations may be defined with respect to any attribute, quality or characteristic or combination thereof and may be defined to include within the class any specified member or members whether or not with the same attributes, qualities or characteristics. 1979, c. 91, s. 4.

(4) Subsection (3) does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1979, subs. (3).

138.—(1) The councils of local municipalities may, subject to the approval of the Minister, pass by-laws,

(a) regulating or prohibiting the emission of sounds or vibrations;

(b) providing for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sounds or vibrations;

(c) prescribing maximum permissible levels of sounds or vibrations that may be emitted;

(d) prescribing procedures for determining the levels of sounds or vibrations that are emitted,

and such a by-law may make different provisions for different areas of a local municipality and may make provision for exempting any person, equipment or premises from any provision of the by-law for such period of time and subject to such terms and conditions as may be set out or provided for in the by-law.

(2) A by-law passed by the council of a local municipality pursuant to subsection (1) may adopt by reference, in whole or in part, with such changes as the council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.
(3) Part XIX of the *Municipal Act* applies to by-laws passed under this section. 1974, c. 125, s. 3.

139.—(1) Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail. 1971, c. 86, s. 96.

(2) Subsection (1) does not apply in respect of section 138 and the enactment of section 138 or a by-law pursuant to section 138 does not affect the validity of an Act that is in force immediately before the coming into force of section 138. 1974, c. 125, s. 4.

140.—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or of the Environmental Assessment Board or a Crown employee within the meaning of the *Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted. 1974, c. 20, s. 27.

141. In any prosecution, proceeding or hearing under this Act or the regulations, the production of a certificate or report of an analyst of the Ministry as to the analysis, description, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas, or any combination of them, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. 1971, c. 86, s. 97.
142.—(1) Any notice, decision or other document required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. 1971, c. 86, s. 98; 1972, c. 1, s. 1.

143. Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. 1971, c. 86, s. 99.

144. Where any provision of this Act or the regulations or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Minister or the Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister. 1971, c. 86, s. 100.

145. No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations. 1974, c. 20, s. 28.

146.—(1) Except as otherwise provided in this Act, every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or any term or condition of a certificate of approval or a licence made or issued under this Act is guilty of an offence and on conviction is liable on a first conviction to a fine of not more than $5,000 and on each subsequent conviction to a fine of not more than $10,000 for every day or part thereof upon which such offence occurs or continues. 1971, c. 86, s. 102 (1); 1972, c. 106, s. 32.
(2) Notwithstanding subsection (1), a person to whom an order or program approval of the Minister or the Director is directed who complies fully with the order or approval shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval that occurs during the period within which the order or program approval is applicable. 1971, c. 86, s. 102 (2); 1973, c. 94, s. 12.