c 106 The Environmental Protection Amendment Act, 1972
CHAPTER 106

An Act to amend
The Environmental Protection Act, 1971

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

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

1.—(1) Clause c of section 1 of The Environmental Protection Act, 1971, being chapter 86, is repealed and the following substituted therefor:

(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 which 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.

(2) The said section 1, as amended by the Statutes of Ontario, 1972, chapter 1, section 69, subsection 1, is further amended by adding thereto the following clauses:

(da) "Hearing Board" means the Environmental Hearing Board established under The Ontario Water Resources Act;
(ga) “Ministry” means the Ministry of the Environment.

(3) Clause 1 of the said section 1 is repealed.

2. Sections 8 and 9 of the said Act are repealed and the following substituted therefor:

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 of the Air Management Branch of the Ministry 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.

(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 struc-
tures 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.

(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 a of subsection 1 or that any alteration of a process or rate of production that is referred to in clause b of subsection 1, 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.

3. Subsection 1 of section 14 of the said Act is repealed and the following substituted therefor:

(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.

4. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor:
(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.

5. Clause a of section 28 of the said Act is amended by striking out "Department" in the second line and inserting in lieu thereof "Ministry".
(2) The said section 28 is amended by adding thereto the following clause:

(aa) "Executive Director" means the Executive Director, Air and Land Pollution Control Division of the Ministry.

(3) Clause c of the said section 28 is repealed and the following substituted therefor:

(c) "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.

(4) The said section 28, as amended by the Statutes of Ontario, 1972, chapter 1, section 69, subsection 2, is further amended by adding thereto the following clause:

(ca) "owner" in section 46a, means a person that is responsible for the operation of a well that is a waste disposal site.

6. Section 29 of the said Act is amended by striking out "Commission" in the sixth line.

7. The said Act is amended by adding thereto the following sections:

33a.—(1) Where the Executive 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 Executive 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 Executive Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing.

(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 Executive 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.

33b. Notwithstanding the provisions of section 33a, where, in the opinion of the Executive Director, an emergency situation exists by reason of,

(a) danger to the health or safety of any person;

(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 Executive Director may issue a certificate of approval therefor without holding a public hearing.

33c.—(1) Where the Executive 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 33a; or

(b) a waste disposal site other than a waste disposal site referred to in section 33a,

the Executive Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing.

(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 Executive Director may direct.

33d.—(1) Where the Executive 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 Hearing Board to hold the hearing.

(2) Upon receipt of notice from the Executive Director, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Executive Director.

(3) Except where inconsistent with subsections 1 and 2, the provisions of section 9a of The Ontario Water Resources Act apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.

(4) Where the Executive Director requires the Hearing Board to hold a public hearing, the Executive Director shall not issue or refuse to issue a certificate of approval until he has received and considered the report of the Hearing Board.

33e. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part.

8. Section 35 of the said Act is repealed and the following s. 35, substituted therefor:

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 Hearing Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site.

(2) Upon receipt of notice from the Minister, the Hearing Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Minister.
Except where inconsistent with subsections 1 and 2, the provisions of section 9a of The Ontario Water Resources Act apply where a public hearing is held under subsections 1 and 2 by the Hearing Board.

Where the Minister requires a public hearing under subsection 1,

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

(b) the Hearing Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site.

The Minister, after receiving the report of the Hearing 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.

Section 37 of the said Act is repealed.

Subsection 1 of section 39 of the said Act is amended by inserting after "The" in the first line "Executive".

Subsection 2 of the said section 39 is repealed and the following substituted therefor:

The Executive 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.
11. Section 40 of the said Act is amended by inserting after "upon" in the first line "in, into or through".

12. (1) Subsection 1 of section 42 of the said Act is amended by inserting after "upon" in the first line "in, into or through", and by inserting after "the" where it occurs the first time in the third line "Executive".

(2) Subsection 2 of the said section 42 is amended by inserting after "the" where it occurs the second time in the second line "Executive".

13. Section 43 of the said Act is amended by inserting after "the" where it occurs the second time in the second line "Executive".

14. Section 44 of the said Act is amended by inserting after "the" where it occurs the first time in the second line "Executive".

15. (1) Subsection 1 of section 45 of the said Act is amended by striking out "Director" wherever it occurs and inserting in lieu thereof in each instance "Executive Director".

(2) Subsection 2 of the said section 45 is amended by inserting after "the" where it occurs the second time in the first line "Executive".

(3) Subsection 3 of the said section 45 is amended by inserting after "the" where it occurs the second time in the sixth line "Executive".

(4) Subsection 4 of the said section 45 is amended by inserting after "the" where it occurs the first time in the first line "Executive".

16. The said Act is amended by adding thereto the following section:

46a.—(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.
Owner of waste disposal well to pay fee

(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.

Fee paid to Treasurer

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

Calculation and payment of fee

(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.

Estimate by Executive Director

(6) The Executive 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 Executive 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.

Payment of estimated fee

(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 Executive Director.

Adjustment of fee

(8) At the end of each calendar year, the Executive 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 Executive 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 Executive 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.

(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 Executive 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 Executive Director, from the date that the Executive Director received the notice that the water has been rendered unfit.

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

(11) The Executive 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.

(12) The Executive 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.
When certificate final

(13) The certificate of the Executive 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.

Appeal

(14) The claimant may appeal to the Board at any time before the certificate of the Executive Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X.

Payment out of Fund

(15) Where the Executive 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 Executive 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.

Recovery of money

(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.

Recovery of fees owing

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

s. 47, amended

17. Section 47 of the said Act is amended by inserting after “43” in the third line “or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval”.

Part VI, heading, amended

18. The heading to Part VI of the said Act is amended by striking out “Herbicides And”.

s. 49 (a), re-enacted

19. —(1) Clause a of section 49 of the said Act is repealed and the following substituted therefor:

(a) “Director” means the Director of a branch of the Ministry designated by the Minister to administer this Part.
(2) The said section 49 is amended by adding thereto the following clauses:

(c) "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;

(d) "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the Pest Control Products Act (Canada) or any successor thereto.

20. Section 52 of the said Act is repealed and the following substituted therefor:

52. Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under the authority of a licence issued by the Director that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred.

52a.—(1) Subject to subsection 2, the Director shall issue a licence under section 52 to any person who applies in accordance with this Act and the regulations for a licence and who meets the requirements of this Act and the regulations and who pays the prescribed fee.

(2) The Director may refuse to issue or renew a licence or suspend or revoke a licence where, in the opinion of the Director,

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

(b) the applicant or licensee is in contravention of this Act or the regulations; or

(c) the licensee is in breach of any term or condition of the licence.
(3) A licence expires with the 31st day of December next following the date on which it is issued or renewed.

(4) A licence is not transferable.

52b. Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant or licensee from any provision of the regulations relating to this Part and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, and may alter or revoke the terms and conditions, as the Director considers necessary.

52c. Notwithstanding subsection 2 of section 79, where the Director is of the opinion that it is necessary for,

(a) the immediate protection of the safety or health of any person;

(b) the protection of the quality of the natural environment for any use that can be made of it; or

(c) the prevention of injury or damage to property or to plant or animal life,

the Director, by notice to a licensee with written reasons therefor, may refuse to renew, suspend or revoke the licence of the licensee effective upon the giving of the notice.

21. Section 55 of the said Act is amended by inserting after "regulations" in the second line "or any term or condition of a licence".

22. The heading to Part VII of the said Act is repealed and the following substituted therefor:

SEWAGE SYSTEMS

23. Sections 56, 57, 58 and 59 of the said Act are repealed and the following substituted therefor:

56. In this Part,

(a) "Director" means the Director of the branch of the Ministry designated by the Minister for the purpose of this Part;
(b) "Executive Director" means the Executive Director, Water Supply and Pollution Control Division of the Ministry;

(c) "sewage system" means,

(i) 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 n or o of subsection 1 of section 62 of The Ontario Water Resources Act apply, a toilet other than a toilet to which regulations made under clause f of subsection 1 of section 62 of The Ontario Water Resources Act apply and any other sewage works referred to in clause a or c of subsection 6 of section 42 of The Ontario Water Resources Act or any part of any of them, or

(ii) 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.

56a. 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.

56b. Where the Executive Director is absent for any reason, the Director may carry out any of the duties and exercise any of the powers of the Executive Director under this Part.

57. 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
(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.

58. An applicant for a certificate of approval under this 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 59, the Director may issue a certificate of approval.

59. 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.

59a.—(1) No person shall use or operate a sewage system or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the date this Part comes into force in an area to which this Part is made applicable 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.

(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 57 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 57 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.

24. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor:

(1) Where any person,

(a) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and a certificate of approval required under section 57 has not been issued;

(b) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 57 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 59a has not been issued.
the Executive 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.

s. 61. re-enacted

25. Section 61 of the said Act is repealed and the following substituted therefor:

61. (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.

(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.

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

(6) A licence is not transferable.

26. Section 62 of the said Act is amended by striking out "of the Director made" in the fourth and fifth lines and inserting in lieu thereof "or fails to comply with any term or condition of a certificate of approval or licence issued".

27. The said Act is amended by adding thereto the following section:

77a. In this Part, "Director" means such Directors or Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

28.—(1) Clause a of subsection 2 of section 78 of the said Act is amended by inserting after "issue" in the first line "or renew".

(2) Clause c of subsection 2 of the said section 78 is amended by inserting after "of" in the first line "a certificate of approval, provisional certificate of approval".
Subsection 2 of section 79 of the said Act is amended by inserting after “No” in the first line “imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or” and by inserting after “order” where it occurs the second time in the first line “and a refusal to renew, suspension or revocation under section 52c”.

Section 91 of the said Act is repealed and the following substituted therefor:

In this Part, “Director” means such Directors or Executive Directors of branches or divisions of the Ministry as may be given the responsibility by the Minister of administering any Part or Parts of this Act or designated by the Minister for the purpose of any Part.

(1) Clause j of subsection 1 of section 94 of the said Act is repealed.

(2) Clause c of subsection 4 of the said section 94 is amended by striking out “prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto” in the fourth, fifth, sixth and seventh lines.

(3) Subsection 4 of the said section 94 is amended by adding thereto the following clause:

(j) 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.

(4) Clause a of subsection 5 of the said section 94 is repealed and the following substituted therefor:

(a) prescribing classes of licences and the qualifications and requirements therefor, exempting any class of persons, or the holder of any class of licence from any provision of Part VI or any regulation made under this subsection, and prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers are or will be made that shall attach to any such class of licence and prescribing terms and conditions attaching to any such exemption.

(5) Clause j of subsection 5 of the said section 94 is amended by striking out “substances used for extermination” in the second line and inserting in lieu thereof “pesticides”.
(6) Clause \(k\) of subsection 5 of the said section 94 is amended by striking out "classifying and designating substances used for extermination, and" in the first and second lines and by striking out "such substances or any of them" in the third and fourth lines and inserting in lieu thereof "pesticides".

(7) Clauses \(l\) and \(m\) of subsection 5 of the said section 94 are repealed.

(8) Clause \(n\) of subsection 5 of the said section 94 is amended by striking out "substances used for extermination" in the first and second lines and inserting in lieu thereof "pesticides" and by striking out "substances" in the third line and inserting in lieu thereof "pesticides".

(9) Clause \(o\) of subsection 5 of the said section 94 is amended by striking out "substance used for extermination" in the first and second lines and inserting in lieu thereof "pesticide".

(10) Subsection 5 of the said section 94 is amended by adding thereto the following clauses:

\((q)\) classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;

\((r)\) exempting any organism, substance or thing or any class thereof from Part \(VI\) or any regulation made under this subsection, or any provision thereof;

\((s)\) respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred.

(11) Subsection 6 of the said section 94 is amended by striking out "private sewage disposal" wherever it occurs and inserting in lieu thereof in each instance "sewage".

(12) Clause \(d\) of subsection 6 of the said section 94 is repealed and the following substituted therefor:

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

(13) Clause \(e\) of subsection 7 of the said section 94 is amended by inserting after "classifying" in the first line "containers, packaging and".
32. Subsection 1 of section 102 of the said Act is amended by striking out "made" in the fourth line and inserting in lieu thereof "or any term or condition of a certificate of approval or a licence made or issued".

33. Section 103 of the said Act is amended by striking out "in Council" in the second line.

34. — (1) This Act, except sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31, comes into force on the day it receives Royal Assent.

(2) Sections 18, 19, 20 and 21 and subsections 4, 5, 6, 7, 8, 9 and 10 of section 31 come into force on a day to be named by the Lieutenant Governor by his proclamation.

35. This Act may be cited as The Environmental Protection Amendment Act, 1972.