



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 78

ST. JOHN'S, FRIDAY, MAY 30, 2003

No. 22

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF CLARENVILLE MUNICIPAL PLAN AMENDMENT NO. 1, 2003 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 3, 2003

Take notice that the Town of Clarenville Municipal Plan Amendment No. 1, 2003 and Development Regulations Amendment No. 3, 2003, adopted on the 18th day of March, 2003, (as amended) and approved on the 24th day of April, 2003, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment No.1, 2003 is to re-zone property from Commercial and Light Industrial and Commercial Highway to Residential to accommodate a residential development adjacent to the Clarenville Inn Property exiting off Memorial Drive.

In general terms, the purpose of Development Regulations Amendment No. 3, 2003 is to re-zone property from Commercial and Light Industrial and Commercial Highway to Residential to accommodate a residential development adjacent to the Clarenville Inn Property exiting off Memorial Drive.

The Clarenville Municipal Plan Amendment No. 1, 2003 and Development Regulations Amendment No. 3, 2003 come into effect on the day that this notice is published in

The Newfoundland and Labrador Gazette. Anyone who wishes to inspect a copy of the Clarenville Municipal Plan Amendment No.1, 2003 and Development Regulations Amendment No. 3, 2003 may do so at the Town Office, Clarenville during normal working hours.

TOWN OF CLARENVILLE
Town Clerk

May 30

NOTICE OF REGISTRATION TOWN OF CLARENVILLE MUNICIPAL PLAN AMENDMENT NO. 2, 2003 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 4, 2003

Take notice that the Town of Clarenville Municipal Plan Amendment No. 2, 2003 and Development Regulations Amendment No. 4, 2003, adopted on the 18th day of March, 2003, (as amended) and approved on the 24th day of April, 2003, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment No.2, 2003 is to re-zone property from Recreation to Commercial and Light Industrial and Recreation to Commercial General to accommodate the establishment of a Recreational Vehicle Sales and Service Centre at 18-22 Balbo Drive.

In general terms, the purpose of Development Regulations Amendment No. 4, 2003 is to re-zone property from Recreation to Commercial and Light Industrial and Recreation to Commercial General to accommodate the establishment of a Recreational Vehicle Sales and Service Centre at 18-22 Balbo Drive.

The Clarenville Municipal Plan Amendment No. 2, 2003 and Development Regulations Amendment No. 4, 2003 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the Clarenville Municipal Plan Amendment No.2, 2003 and Development Regulations Amendment No. 4, 2003 may do so at the Town Office, Clarenville during normal working hours.

TOWN OF CLARENVILLE
Town Clerk

May 30

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of Alfred Bellows, late of Trinity, and Elsie Bellows, late of Gander, Province of Newfoundland and Labrador, Canada, Deceased,

All persons claiming to be creditors of or who have any claims or demands either as beneficiaries or next of kin (by blood, legal adoption or marriage) upon or affecting the Estate of the late Alfred Bellows, the aforesaid deceased, who died at Trinity on or about the 16th day of June, 1943; or upon or affecting the Estate of the late Elsie Bellows, the aforesaid deceased, who died at Gander on or about the 31st day of December, 2001 are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Administrator/Executor of the Estates of the said deceased on or before the 30th day of June, 2003, after which date the said Administrator/Executor will proceed to distribute the said Estates having regard only to the claims to which they shall then have notice.

DATED at the Town of Stephenville, Province of Newfoundland and Labrador, this 26th day of May, 2003.

STAGG, MARKS & PARSONS
Administrator/Executor
Per: Fred R. Stagg

ADDRESS FOR SERVICE:

P. O. Box 214
28 Main Street
Stephenville, NL
A2N 2Z4

May 30

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of Wilfred Francis, late of the Town of Gander, in the Province of Newfoundland and Labrador, Retired Gentleman, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Wilfred Francis, the aforesaid deceased, who died at the Town of Gander, in the Province of Newfoundland and Labrador on or about the 30th day of March, 2000, are hereby requested to send particulars thereof in writing, duly attested to the undersigned Solicitor for the Administratrix of the Estate on or before the 30th day of May, 2003, after which date the said Administratrix will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at Gander, Newfoundland and Labrador this 14th day of May, 2003.

AIDAN B. BERESFORD LAW OFFICE
Solicitor for the Administratrix
Per: R. Archibald Bonnell

ADDRESS FOR SERVICE

218 Airport Boulevard
Gander, NL
A1V 1L6

May 23 & 30

LANDS ACT

NOTICE OF INTENT

Lands Act, Chapter 36, S.N. 1991

Notice is hereby given that T.W.L. Enterprises Ltd. of Trinity, Trinity Bay, Newfoundland, Newfoundland and Labrador intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2) (a) of the said Act, to that piece or parcel of Crown Land situated

within fifteen metres of the waters of Southwest Arm at Trinity, in the Electoral District of Trinity North, Newfoundland and Labrador, for the purpose of a shipyard, and being more particularly described as follows:

*Bounded on the North by the Waters of Southwest Arm
for a distance of 60.0 m;*

*Bounded on the west by the waters of Southwest Arm
for a distance of 170 meters;*

*Bounded on the south partly by the waters
of Southwest Arm*

*and partly by the Crown Reserve along the foreshore
for a distance of 115 meters;*

*Bounded on the East partly by lands of Patricia Ryan
by which it measures 55 meters;*

*and partly by the lands of T.W. L. Enterprises Ltd.
by which it measures 29.63 meters, 55.24 meters,
6.81 meters, and 20.31 meters.*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the Minister of Government Services and Lands, c/o Eastern Regional Lands Office, 5 Mews Place, P. O. Box 8700, St. John's, NL., A1B 4J6.

For further information regarding the proposed application, please contact Wayne F. Spracklin, Q.C., White, Ottenheimer & Baker, P. O. Box 5457, St. John's, NL A1C 5W4. Telephone (709) 570-7321.

May 30

CHANGE OF NAME ACT

C-8 RSN 1990

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

KATHERINE SNOW

of P.O. Box 176, Change Islands, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

TENISHA IDA KING

to

TENISHA IDA SAUNDERS

DATED this 22nd day of May, 2003.

KATHERINE SNOW
(Signature of Applicant)

May 30

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

TERRI LYNN ROSSITER

of 561 Topsail Road, St. John's, A1E 2C8, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

NAKITA ANN ROSSITER-SNOW

to

NAKITA ANN ROSSITER

DATED this 26th day of May, 2003.

TERRI LYNN ROSSITER
(Signature of Applicant)

May 30

NOTICE OF APPLICATION FOR CHANGE OF NAME

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

SHIRLEY LORRAINE RICE

of 8 Bungay's Avenue, P. O. Box 2135, Port aux Basques, A0M 1C0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

WILLIAM GEORGE ALEXANDER MAUGER

to

WILLIAM GEORGE ALEXANDER ALYWARD

DATED this 19th day of May, 2003.

SHIRLEY RICE
(Signature of Applicant)

May 30

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

KAREN E. VEY

of 20 Ollerweg Heights, A1X 7P4, in the Province of Newfoundland and Labrador, as follows:

To change my name from

KAREN VEY
to
KAREN VEY-PELLEY

To change my minor unmarried children's name
from

MELLISSA RAQUEL VEY
to
MELLISSA RAQUEL PELLEY

DANIEL BRENDAN VEY
to
DANIEL BRENDAN PELLEY

DATED this 20th day of May, 2003.

KAREN E. VEY
(Signature of Applicant)

May 30



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

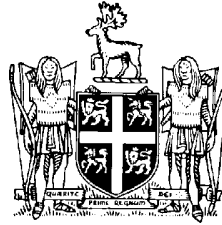
Vol. 78

ST. JOHN'S, FRIDAY, MAY 30, 2003

No. 22

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 52/03
NLR 53/03
NLR 54/03
NLR 55/03
NLR 56/03
NLR 57/03
NLR 58/03
NLR 59/03
NLR 60/03
NLR 61/03
NLR 62/03
NLR 63/03
NLR 64/03
NLR 65/03



NEWFOUNDLAND AND LABRADOR REGULATION 52/03

Milk Regulations, 1998 (Amendment)
under the
Milk Scheme, 1998
and the
Natural Products Marketing Act

(Filed May 23, 2003)

Under the authority of section 8 of the *Milk Scheme, 1998* and the *Natural Products Marketing Act*, the Dairy Farmers of Newfoundland and Labrador make the following regulations.

Dated at St. John's, May 22, 2003.

Martin J. Hammond
Executive Director
Dairy Farmers of Newfoundland and Labrador

REGULATIONS

Analysis

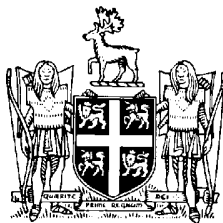
- | | |
|---------------------------------------|-----------------|
| 1. S.22 R&S
Minimum price for milk | 2. Commencement |
|---------------------------------------|-----------------|

NLR 69/98
as amended

1. Section 22 of the *Milk Regulations, 1998* is repealed and the following substituted:

Minimum price for milk	<p>22. The minimum price at which milk, 3.6 kilograms butterfat content shall be bought, sold or offered for sale F.O.B. registered processors' premises in the province shall be \$0.8600 per litre and for every one-tenth kilogram in excess of that butterfat content, the minimum price of milk shall be increased by a premium of \$0.22 per one-tenth kilogram butterfat content per litre.</p>
Commencement	<p>2. This regulation shall come into force on June 1, 2003.</p>

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NEWFOUNDLAND AND LABRADOR REGULATION 53/03

Proclamation bringing Act into force
under the
Farm Practices Protection Act
(o.c. 2003-219)

(Filed May 23, 2003)

*ELIZABETH THE SECOND, by the Grace of God of the
United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

EDWARD ROBERTS
Lieutenant-Governor

KELVIN PARSONS
Minister of Justice

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 19 of the *Farm Practices Protection Act*, S.N.L 2001, cF-4.1, (the “Act”) it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant-Governor in Council;

AND WHEREAS it is deemed it expedient that the Act shall now come into force.

NOW KNOW YE, THAT We, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that the *Farm Practices Protection Act*, S.N.L 2001, cF-4.1, shall come into force on May 30, 2003.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Edward Roberts, one of Her Majesty's Counsel learned in the law, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 22nd day of May, in the year of Our Lord two thousand and three in the fifty-second year of Our Reign.

BY COMMAND,

OLIVER LANDGON
Registrar General



NEWFOUNDLAND AND LABRADOR REGULATION 54/03

Environmental Assessment Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-220)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
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| 1. Short title | 8. Environmental impact statement guidelines |
| 2. Definitions | 9. Estimated costs |
| PART I | 10. Proponent consultation with public |
| PROCEDURE | 11. Environmental impact statement |
| 3. Registration information and notices | 12. Component studies |
| 4. Determination under section 51 of Act | 13. Board |
| 5. Assessment committees | 14. Hearings |
| 6. Public review of guidelines | 15. Report |
| 7. Environmental preview report | 16. Recommendations |
| | 17. Term of decision |
| | 18. Class assessment |

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| 19. Announcements and notices | 35. Prime contracting |
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| 34. Utilities | |

Short title

1. These regulations may be cited as the *Environmental Assessment Regulations, 2003*.

Definitions

2. In these regulations

- (a) "Act" means the *Environmental Protection Act*;
- (b) "commenced" and "commencement" mean the point in time when significant work has been carried out on the site of an undertaking;
- (c) "development plan" means
 - (i) a municipal plan, joint municipal plan, regional plan, local area plan, protected area plan or protected road as described in the *Urban and Rural Planning Act*, and
 - (ii) upon the coming into force of the *Urban and Rural Planning Act, 2000*, a plan as defined in that Act;

- (d) "haul road" means a temporary road that is not more than 500 metres from a resource extraction operation for the purpose of conveying the extracted resources to a collection point, processing facility or road;
- (e) "registered" and "registration" mean registered under section 49 of the Act;
- (f) "right of way" means a right of way, easement or allowance existing and maintained for the purpose of
 - (i) a road,
 - (ii) an electric power transmission line or cable,
 - (iii) a telecommunication transmission trunk line or cable,
 - (iv) a railway line, or
 - (v) a trunk pipeline for the transportation of a gaseous or liquid substance; and
- (g) "road" means a highway as defined in the *Highway Traffic Act* and a private place or way over which a four-wheel drive motor vehicle may travel.

PART I PROCEDURE

Registration information and notices

3. (1) Where an undertaking is registered, the minister may require the proponent of that undertaking to provide to him or her additional information and documentation relating to the undertaking and may require that the registration, additional information or documentation be provided, in whole or in part, by electronic, computerized or other means of telecommunication.

(2) The minister shall announce the registration of an undertaking not more than 7 days after that registration and shall make copies of the registration documentation available to interested members of the public.

(3) A person who wishes to make responses to or comments on registration documentation made available under subsection (2) shall

submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

Determination
under section 51 of
Act

4. (1) The minister shall, in writing, advise the proponent of his or her decision under subsection 51(1) of the Act not more than 45 days after the registration of the undertaking.

(2) Notwithstanding subsection (1), where, under subsection 50(2) of the Act, the minister notifies the Lieutenant-Governor in Council that an undertaking is contrary to law or a policy, the minister shall, in writing, give notice to the proponent of a determination or direction of the Lieutenant-Governor in Council made under that subsection not more than 60 days after an undertaking has been registered and where there is no direction that the undertaking not proceed, the minister shall, in writing give notice to the proponent of his or her decision, under subsection 51(1) of the Act not more than 45 days after receiving the determination or direction of the Lieutenant-Governor in Council.

(3) Not more than 10 days after advice or a notice has been given to a proponent under subsection (1) or (2), the minister shall announce the decision given in that notice.

Assessment com-
mittees

5. (1) A person appointed to a committee shall be an employee of the government of the province or of Canada.

(2) Where a division of a department of the government of the province or of Canada is the proponent of an undertaking, an employee of that division shall not be appointed to a committee advising the minister on that undertaking.

(3) A person appointed to a committee to advise on an undertaking shall not own or have another interest in property located within or adjacent to the area proposed for that undertaking upon appointment to and for the duration of the existence of the committee.

(4) The duties of a committee shall include the

(a) preparation of guidelines for the environmental preview report and the environmental impact statement;

(b) review of reports and studies carried out for the proponent;

- (c) review of environmental preview reports, component studies and environmental impact statements;
- (d) submission of comments, recommendations and advice to the minister on matters related to paragraphs (a) to (c); and
- (e) attendance at meetings with respect to matters referred to in paragraphs (a) to (d).

(5) The chairperson of a committee may, following the appointment of the committee and before the preparation of the guidelines, schedule and hold a meeting of the committee and the proponent.

(6) A meeting held under subsection (5) is to facilitate the mutual understanding of the undertaking, the Act and the regulations, to assist the proponent in designing an environmentally acceptable undertaking and to discuss issues and conflicts that are to be resolved during the environmental assessment of the undertaking.

(7) A committee shall prepare the required guidelines and the minister shall issue those guidelines to the proponent not more than 60 days after the proponent has been notified of the determination under paragraph 51(1)(a) of the Act and not more than 120 days after the proponent has been notified of the determination under paragraph 51(1)(b) or 54(5)(a) of the Act.

Public review of
guidelines

6. (1) When the minister announces a request under subsection 59(1) of the Act with respect to an environmental impact statement required under paragraph 51(1)(b) or 54(5)(a) of the Act, responses and comments with respect to those guidelines shall be submitted to the minister, in writing, not more than 40 days after that announcement has been made.

(2) After receipt and consideration of responses and comments submitted within the time permitted under subsection (1) the minister may direct the committee to amend or vary the guidelines before approving them.

(3) Notwithstanding that the minister has approved guidelines for an environmental preview report or an environmental impact statement, he or she may, where new information relevant to the undertaking and the environmental assessment of the undertaking becomes available, amend or vary those guidelines.

Environmental
preview report

7. (1) Upon receipt of an environmental preview report the minister shall give that report to the committee for examination.

(2) The minister shall announce his or her receipt of an environmental preview report not more than 7 days after that receipt and shall make copies of the report available to interested members of the public.

(3) A person who wishes to make responses to or comments on an environmental preview report made available under subsection (2) shall submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

(4) The committee shall make a recommendation to the minister indicating whether or not

(a) the environmental preview report is deficient;

(b) an environmental impact statement is required; or

(c) the undertaking may be released.

(5) Where the minister has a requirement under subsection 54(4) of the Act, he or she shall give notice of that requirement to the proponent not more than 45 days after he or she has received the environmental preview report.

(6) Subsections (1) to (4) apply to requirements of the minister under subsection 54(4) of the Act.

(7) Where, under subsection 54(5) of the Act, the minister determines that an environmental preview report complies with the Act and the guidelines and requires no further work, he or she shall, not more than 45 days after his or her receipt of an environmental preview report or an amended or revised environmental preview report that requires no further work advise the proponent, in writing, that an environmental impact statement is required or that the undertaking may be released.

(8) The minister shall announce his or her decision under subsection 54(5) of the Act not more than 10 days after advising the proponent under subsection (7).

Environmental
impact statement
guidelines

8. (1) The guidelines required for an environmental impact statement shall include a requirement to

- (a) describe significant environmental effects that are beneficial or harmful that are likely to be caused by the undertaking regardless of the proper application of all control, mitigation and remedial measures to be proposed in the environmental impact statement;
- (b) specifically list and cite all sources of information in the environmental impact statement;
- (c) outline the design of studies necessary to provide additional information for the preparation of an environmental impact statement;
- (d) address the concerns identified in complying with sections 57 and 58 of the Act by including within the environmental impact statement specific responses to those concerns and, where appropriate, specific proposals for measures to deal with them; and
- (e) provide to the minister copies of all reports on studies undertaken in order to satisfy the guidelines and those reports shall be provided to the minister as soon as they are completed.

(2) The minister shall announce and make available to the public the approved guidelines not more than 10 days after those guidelines have been issued to the proponent under subsection 5(7).

Estimated costs

9. The proponent shall provide to the minister information on the estimated capital costs of the undertaking.

Proponent consultation with public

10. (1) A proponent shall notify the minister and the public of a meeting scheduled with the public under section 58 of the Act not fewer than 7 days before that scheduled meeting.

(2) Where the guidelines for an environmental preview report require that the proponent meet with the public, the proponent shall notify the minister and the public of the scheduled meeting not fewer than 7 days before that meeting.

(3) The minister may require that he or she be represented at a meeting referred to in subsection (1) or (2).

Environmental
impact statement

11. (1) Upon receipt of an environmental impact statement the minister shall give that statement to the committee for examination.

(2) The minister shall announce his or her receipt of an environmental impact statement not more than 7 days after that receipt and shall make copies of the statement available to interested members of the public.

(3) A person who wishes to make responses to or comments on an environmental impact statement made available under subsection (2) shall submit those responses or comments to the minister, in writing, not more than 50 days after the announcement is made under that subsection.

(4) The committee shall make a recommendation to the minister indicating whether or not the

(a) environmental impact statement is deficient; or

(b) undertaking may be released.

(5) Where the minister has a requirement under section 61 of the Act, he or she shall give notice of that requirement to the proponent not more than 70 days after he or she has received the environmental impact statement.

(6) Subsections (1) to (4) and section 60 of the Act apply to requirements of the minister under section 61 of the Act.

(7) Where, under section 60 of the Act, the minister determines that an environmental impact statement complies with the Act and the guidelines and requires no further work, he or she shall, not more than 70 days after his or her receipt of an environmental impact statement or an amended or revised environmental impact statement that requires no further work advise the proponent, in writing, that the statement complies with the Act and the guidelines and that no further work is required.

(8) The minister shall announce his or her decision under section 60 of the Act not more than 10 days after advising the proponent under subsection (7).

Component studies

12. (1) The minister may require a proponent to prepare and submit a component study as a part of the environmental impact statement and that component study shall describe and provide data on specific components of the environment as required by the guidelines for the environmental impact statement.

(2) Upon receipt of a component study the minister shall give that study to the committee for examination.

(3) The minister shall announce his or her receipt of a component study not more than 7 days after that receipt and shall make copies of the study available to interested members of the public.

(4) A person who wishes to make responses to or comments on a component study made available under subsection (3) shall submit those responses or comments to the minister, in writing, not more than 35 days after the announcement is made under that subsection.

(5) The committee shall make a recommendation to the minister indicating whether or not the component study

(a) is deficient; or

(b) complies with the guidelines and requires no further work.

(6) Where the minister determines that a component study requires further work he or she shall give notice to the proponent of that requirement not more than 50 days after he or she has received the component study.

(7) Subsections (2) to (5) apply to the requirements of the minister under subsection (6).

(8) Where the minister determines that a component study complies with the guidelines and requires no further work, he or she shall, not more than 50 days after his or her receipt of the component study or an amended or revised study that requires no further work, advise the proponent, in writing, that the study complies with the guidelines and that no further work is required.

(9) The minister shall announce his or her determination under subsection (8) not more than 10 days after advising the proponent under that subsection.

Board

13. (1) Where, under subsection 63(1) of the Act, the minister advises the Lieutenant-Governor in Council to order public hearings, that advice shall be given to the Lieutenant-Governor in Council not more than 30 days after advising the proponent that the environmental impact statement complies with the Act and the guidelines.

(2) The Lieutenant-Governor in Council may appoint a board under section 63 of the Act not more than 30 days after receipt of advice from the minister under subsection (1).

(3) Where the Lieutenant-Governor in Council has appointed a board, the minister shall announce the persons appointed to and terms of reference for the board not more than 10 days after the appointment of that board.

(4) An announcement under subsection (3) shall contain a proposed date for the start of public hearings, a deadline for receiving notices of an intention to appear and an invitation to the public to advise the chairperson of the board of their intention to appear at those hearings.

(5) The powers, duties and terms of reference of a board shall be determined in accordance with the Act, regulations and as determined by the Lieutenant-Governor in Council at the time of the appointment of that board.

Hearings

14. (1) Public hearings held by a board shall start not sooner than 30 days and not more than 90 days after an announcement made under subsection 11(8) or 13(3), whichever is later.

(2) The board shall determine a procedure at a hearing.

(3) A proponent shall provide to a board adequate answer to all questions asked at a public hearing that the board considers to be pertinent.

(4) Answers required under subsection (3) shall be provided during the hearings or not more than 30 days after the closing date of the hearings.

(5) Copies of all written briefs submitted to a board and copies of the proceedings of hearings shall be made available to the proponent and to interested members of the public.

(6) Copies of written briefs provided to the board by the proponent shall be supplied in the quantity required by the board.

Report

15. (1) A board shall submit its report under section 65 of the Act to the minister not more than 45 days after the closing date of the hearings.

(2) Notwithstanding subsection (1), where the minister is of the opinion that it is justified, he or she may extend the time for the submission of a report by the board.

(3) The minister shall announce his or her receipt of a report not more than 7 days after that receipt and shall make copies of the report available to interested members of the public.

Recommendations

16. The minister shall make a recommendation to the Lieutenant-Governor in Council under section 67 of the Act

(a) not more than 30 days after advising the proponent under subsection 11(7); or

(b) where public hearings have been held, not more than 60 days after receiving the report of the board.

Term of decision

17. (1) Where, under subsection 51(1) of the Act, the minister has

(a) determined that an environmental preview report is required and a report that complies with the Act and guidelines and requiring no further work has not been submitted;

(b) determined that an environmental impact statement is required and a statement that complies with the Act and guidelines and requiring no further work has not been submitted; or

(c) released the undertaking and the undertaking has not commenced,

that determination or release remains in force for 3 years after the minister has advised the proponent under subsection 4(1) or (2) and after the expiration of the 3 year period that determination or release shall be considered to be void and the undertaking must be registered again.

- (2) Where, under subsection 54(5) of the Act, the minister has
- (a) determined that an environmental impact statement is required and a statement that complies with the Act and guidelines and requiring no further work has not been submitted; or
 - (b) released the undertaking and the undertaking has not commenced,

that determination or release remains in force for 3 years after the minister has advised the proponent under subsection 7(7) and after the expiration of the 3 year period that determination or release shall be considered to be void and the undertaking must be registered again.

(3) Where an undertaking has not commenced, a decision of the Lieutenant-Governor in Council to release the undertaking under paragraph 67(3)(a) of the Act with respect to that undertaking remains in force for 3 years after the proponent has been given notice, in writing, of that decision and after the expiration of the 3 year period that decision shall be considered to be void and the undertaking must be registered again.

(4) Where an undertaking has not commenced, an exemption order of the minister under paragraph 70(a) of the Act with respect to that undertaking remains in force for 3 years after the proponent has been given notice, in writing, of the exemption and after the expiration of the 3 year period that exemption shall be considered to be void and the undertaking must be registered again.

(5) Notwithstanding subsections (1) and (2), the minister may extend the 3-year period referred to in those subsections for not more than 3 periods of one year.

(6) Notwithstanding subsection (3) the Lieutenant-Governor in Council may extend the 3-year period referred to in that subsection for not more than 3 periods of one year.

(7) Notwithstanding subsection (4), the minister, with the approval of the Lieutenant-Governor in Council, may extend the 3 year period referred to in that subsection for not more than 3 periods of one year.

Class assessment

18. The minister may establish requirements for a class environmental assessment.

Announcements and notices

19. (1) The minister shall make an announcement required under these regulations by

- (a) issuing a press release; and
- (b) mailing a notice to interested persons.

(2) Where the Lieutenant-Governor in Council has made a decision under subsection 67(3) or (5) of the Act, the minister shall, not more than 10 days after that decision is made, publish a notice of the decision in the *Gazette*.

(3) Where, under section 70 of the Act, the minister exempts an undertaking from the application of the Act, the regulations or a matter provided for in the Act or the regulations, he or she shall publish a notice of the exemption in the *Gazette*.

(4) A notice under subsection (3) shall be published not more than 10 days after the date of the exemption order and shall state the reason for which the undertaking has been exempted and terms and conditions that may apply to that exemption.

(5) A request under section 59 of the Act shall, in addition to a direct request that may be made to interested persons, be made by a press release.

Time extensions

20. (1) Notwithstanding a time limitation established under these regulations for a determination, decision, response, preparation or submission required under the regulations, the minister and a proponent may agree, in writing, to the extension of a required time limitation.

(2) Subsection (1) shall not apply to a time limitation referred to in section 17.

Copies

21. The minister may require a proponent to provide to the department the number of copies of registration documents, environmental preview reports, environmental impact statements, component studies and other documents that the minister may determine are necessary and the minister may provide those copies to interested members of the public.

Security

22. (1) Where an undertaking is released or exempted under the Act, the minister may require the proponent to provide financial or other security in a form, amount and for a term that the minister considers to be appropriate.

(2) A determination under subsection (1) that financial or other security is required may be for a purpose that includes the need to

- (a) rehabilitate the environmental effect of an accidental or other event with respect to the undertaking; and
- (b) rehabilitate the environmental effect of a failure to comply with the terms and conditions applicable to an undertaking released or exempted under the Act.

(3) The minister may determine the manner, terms and conditions under which financial or other security required under subsection (1) is to be varied, forfeited or returned.

PART II SCREENING

Screening criteria
for release

23. (1) Where the minister releases an undertaking because

- (a) there are no environmental or public concerns; or
- (b) the environmental effects of the undertaking will be mitigated under an Act of the province or of Canada,

he or she, in making a determination under paragraph (a) or (b), may consider

- (c) the comprehensiveness of the description of the undertaking;
- (d) whether or not there is a demonstrated commitment by the proponent to conduct an environmentally sound undertaking;

- (e) the compatibility of the undertaking with other resource use in the area of the undertaking;
- (f) whether or not the undertaking occurs in an environmentally or other sensitive area;
- (g) the defined boundaries of the undertaking and whether or not the undertaking is contained within that area; and
- (h) the technology to be employed for the undertaking and whether or not it is environmentally benign.

(2) In making a determination under paragraph (1)(b), the minister may consider

- (a) issues of concern relating to the environmental effects of the undertaking;
- (b) whether or not licences, certificates, permits, approvals or other documents of authorization required at law will mitigate the environmental effects referred to in paragraph (a);
- (c) whether or not sufficient detail of the undertaking has been provided to determine the level of the known environmental effects of the undertaking;
- (d) whether or not the means of determining further information have been identified; and
- (e) the environmental effect of the technology to be used and mitigating factors of the technology.

Screening criteria
for environmental
preview report

24. (1) Where the minister determines that there is insufficient detail to determine the significance of the environmental effects of an undertaking, he or she shall require an environmental preview report for that undertaking.

(2) In making a determination under subsection (1), the minister may consider

- (a) the sufficiency of detail with respect to the undertaking to determine interactions of the undertaking with the environment and the environmental effects of the undertaking;

- (b) whether or not the proponent has adequately demonstrated to the minister and to the public the ability to conduct the undertaking in an environmentally sound manner; and
- (c) unknown or experimental technology intended to be used with respect to the undertaking.

Screening criteria
for environmental
impact statement

25. (1) Where, the minister determines with respect to an undertaking that there

- (a) may be significant negative environmental effects; or
- (b) is significant public concern,

the minister shall require an environmental impact statement.

(2) In making a determination under paragraph (1)(a), the minister may consider

- (a) whether or not the environmental baseline information provided with respect to the undertaking is sufficient for predicting environmental effects;
- (b) whether or not original field data collection is required;
- (c) whether or not the undertaking would be located in an environmentally sensitive area;
- (d) whether or not hazardous or toxic substances in combination with unknown or experimental technology are intended to be used with respect to the undertaking;
- (e) whether or not the undertaking emissions, discharges or effluent may exceed limits imposed by law;
- (f) the environmental effects of the undertaking upon rare or endangered species; and
- (g) the economic importance of a resource to which the undertaking relates.

(3) In making a determination under paragraph (1)(b), the minister may consider whether or not

- (a) public acceptability of the undertaking is seriously questioned; and
- (b) government policy has been established to address public concerns.

PART III DESIGNATED UNDERTAKINGS AND EXCEPTIONS

Designated undertakings	26. Sections 27 to 52 shall not be construed to mean that registration under the Act is not required for an undertaking that is not referred to in those sections.
Decommissioning	27. The minister may determine that an undertaking that will be a decommissioning or rehabilitation of a site is not required to be registered.
Salmon river	28. An undertaking that will occur within 200 metres of the high water mark of a river that is a scheduled salmon river under the <i>Fisheries Act</i> (Canada) shall be registered.
Aquaculture	<p>29. An undertaking that will be engaged in farm raising fish or shellfish where that undertaking will intervene in the rearing process to enhance production by keeping the animals in captivity, stocking and feeding the animals and protecting the animals from predators including</p> <ul style="list-style-type: none"> (a) fish or shellfish farming in salt water or fresh water ; and (b) fish or shellfish breeding and propagating or hatchery services, <p>where the undertaking will include the construction of shore based facilities other than wharves and storage buildings and</p> <ul style="list-style-type: none"> (c) permanent marine trap or weir fisheries, <p>shall be registered.</p>
Forestry and logging	<p>30. (1) An undertaking that will be engaged in the</p> <ul style="list-style-type: none"> (a) aerial application of a pesticide to a forested area; and

(b) establishment of a forest in a previously unforested area,
shall be registered.

(2) A 5 year operating plan, shall be registered as an undertaking for each forest management district and shall include

- (a) a description of public consultations carried out by the proponent while developing a 5 year operating plan in accordance with the ecosystem management strategy for each forest management district;
- (b) existing and proposed primary forest access roads;
- (c) operating areas designated for timber harvesting;
- (d) timber harvesting methods and rehabilitation plans;
- (e) an estimate of the total allowable harvest; and
- (f) operating areas designated for silviculture.

(3) Notwithstanding paragraph (1)(a), an undertaking that will be engaged in the aerial application of *Bacillus thuringiensis* or glyphosate is not required to be registered.

(4) Notwithstanding subsection (2), where an undertaking that is a 5 year operating plan has been released or exempted under the Act, the following modifications to that undertaking are not required to be registered:

- (a) within one kilometre of an operating area described in paragraph (2)(c), an additional area for timber harvesting that is, in total, not more than 50 hectares in each year of the plan;
- (b) within a forest management district, an additional area for silviculture treatment of not more than 20% of the total operating area described in paragraph (2)(f) over the 5 year term of the plan;
- (c) within an operating area described under paragraph (2)(c), not more than one kilometre, in total, of new primary forest

access road in addition to roads described under paragraph (2)(b) in each year of the plan; and

(d) adjacent to an operating area described under paragraph (2)(c), not more than half a kilometre, in total, of new primary forest access road in each year of the plan.

(5) A proponent shall submit to the minister copies of the annual operating plan associated with a released or exempted 5 year operating plan before the commencement of that plan.

(6) A 5 year operating plan shall be registered not fewer than 180 days before the proposed commencement of that plan.

(7) For the purpose of this section and section 31, the terms "annual operating plan", "5 year operating plan" and "forest management district" have the same meanings as in the *Forestry Act*.

(8) In this section "primary forest access road" means a road that provides access to proposed areas designated for forest harvesting or silviculture activities which has a minimum driving surface of 6.0 metres in width, is designed, constructed and maintained to support loaded tractor trailer traffic and has a minimum life expectancy of 3 years.

Exception

31. (1) Notwithstanding section 30, where the harvesting of timber has commenced in a forest management district for which there is no 5 year operating plan, that harvesting is not required to be registered until a 5 year operating plan exists for that district.

(2) The minister, in consultation with the Minister of Forest Resources and Agrifoods shall determine the date by which a 5 year operating plan shall be registered.

Oil and Gas extraction

32. An undertaking that will be engaged in crude oil, natural gas or petroleum production facilities shall be registered.

Mining

33. (1) An undertaking that will be engaged in the

(a) mining of bituminous coal, anthracite and lignite by underground, auger, strip, culm bank or surface mining; and

(b) breaking, washing, grading or otherwise beneficiating of coal,

shall be registered.

(2) An undertaking that will be engaged in the mining, beneficiating and preparing of a mineral as defined in the *Mineral Act* whether or not these operations are to be performed in conjunction with a mine or at mills that will be operated separately shall be registered.

(3) An undertaking that will be engaged in the mining or quarrying of a quarry material as defined in the *Quarry Materials Act, 1998* and of dimension stone where that mining or quarrying operation covers an area that is more than 10 hectares shall be registered.

(4) Notwithstanding subsection (3), an undertaking that will be engaged in the extraction and collection of peat where that undertaking will cover an area that is more than 2 hectares shall be registered.

Utilities

34. (1) An undertaking that will be engaged in electric power generation and the provision of structures related to that power generation, including

- (a) the construction of dams and associated reservoirs where the area to be flooded is more than 50 hectares;
- (b) the excavation of reservoirs where the area to be flooded is more than 50 hectares;
- (c) inter-basin or intra-basin water transfers;
- (d) the construction of hydroelectric power developments with a capacity of more than one megawatt;
- (e) diesel electric power generating plants with a capacity of more than one megawatt;
- (f) gas turbine electric power generating plants with a capacity of more than one megawatt; and
- (g) nuclear electric power generating plants,

shall be registered.

(2) An undertaking that will be engaged in the construction of new electric power transmission lines or the relocation or realignment

of existing lines where a portion of a new line will be located more than 500 metres from an existing right of way shall be registered.

(3) An undertaking that will be engaged in the construction of new telephone lines or the relocation or realignment of existing trunk lines where a portion of a new line will be located more than 500 metres from an existing right of way shall be registered.

Prime contracting

35. (1) An undertaking that will be engaged in construction projects other than buildings that involve the

- (a) construction of pipelines for the transmission of oil, natural gas and other related products from the source to the point of distribution where a portion of the pipeline is to be located more than 500 metres from an existing right of way; and
- (b) construction of roads or the relocation or realignment of existing roads where a portion of the road will be more than 500 metres from an existing right of way,

shall be registered.

(2) An undertaking that will be engaged in the construction of a

- (a) trunk pipeline for the transmission of water from a source to a point of distribution; and
- (b) trunk sewer pipeline,

where a portion of that pipeline will be more than 500 metres from an existing right of way shall be registered.

(3) An undertaking that will be engaged in the construction of a trunk sewer pipeline outfall shall be registered.

(4) An undertaking that will be engaged in

- (a) the construction of a breakwater structure where the breakwater will be more than 100 metres in length;
- (b) the construction of a dyke, levee or other flood control structure;

- (c) the construction of a canal or other artificial waterway where the width of the canal or artificial waterway will be more than 3 metres as measured at the ground surface;
- (d) inter basin or intra-basin water transfers;
- (e) draining of land where the area of land to be drained will be more than 50 hectares;
- (f) land reclamation or land filling of an underwater area where a portion is to be located within an estuary or the area to be reclaimed or filled is more than 5 hectares;
- (g) the construction of a new railway line or the realignment of an existing railway line where a portion of that line will be more than 500 metres from an existing right of way;
- (h) the construction of a railway yard;
- (i) the construction of a service depot or equipment storage yard; and
- (j) the excavation of a tunnel, shaft, portal or cavern where a quantity of material more than 1000 cubic metres is to be extracted,

shall be registered.

Construction servicing

36. (1) An undertaking that will be engaged in

- (a) developing or servicing land for subsequent sale, transfer or lease where the total area of the land being developed or serviced will be more than 10 hectares;
- (b) land clearing where the total area of land to be cleared will be more than 50 hectares; and
- (c) the modification of a watercourse where a total of more than one kilometre of the length of the watercourse will be involved,

shall be registered.

(2) Notwithstanding subsection (1) and section 35, an undertaking that

- (a) will be a haul road used for logging, mining or quarrying purposes;
- (b) will be a road designated within a development plan;
- (c) will be a breakwater constructed entirely on or immediately adjacent to a natural shoreline;
- (d) will be a railway yard located entirely within an area designated for that purpose in a development plan;
- (e) will be a service depot or equipment storage yard located entirely within an area designated for that purpose in a development plan;
- (f) is land that will be developed entirely within an area designated for that purpose in a development plan; and
- (g) is land that will be cleared entirely within an area designated for that purpose in a development plan,

is not required to be registered.

Food and beverage
manufacturing

37. (1) An undertaking that will be

- (a) engaged in food and feed manufacturing for animals;
- (b) engaged in meat and poultry product manufacturing including animal slaughtering;
- (c) an abattoir or a meat, poultry fat or oil processing facility;
- (d) engaged in seafood product preparation and packaging; and
- (e) engaged in beverage manufacturing, including
 - (i) brewing beer, ale or malt liquors, and

- (ii) manufacturing wine or brandy from grapes or other fruits including growing or purchasing fruit to manufacture and blend wine or distil liquor,

shall be registered.

(2) Notwithstanding paragraph (1)(d), an undertaking that is a portable seafood processing facility or a secondary seafood processing facility is not required to be registered.

(3) Notwithstanding subsection (1), that subsection shall not apply to an undertaking that is carried out by a natural person for his or her personal use.

Textiles and leather

38. An undertaking that will be engaged in

- (a) manufacturing yarn or textile fabrics;
- (b) finishing yarn and thread, textile fabrics or textile products, except carpets and rugs;
- (c) the bleaching, dying, printing, chemical finishing or mechanical finishing of fabric;
- (d) manufacturing coated or laminated fabrics and finishing fabrics or clothing by sizing, bleaching, dying, printing, chemically treating, coating, laminating, rubberizing, varnishing, waxing or other similar process;
- (e) manufacturing and finishing non clothing textile products, including carpets, rugs, curtains, draperies and linens in a manner referred to in paragraphs (a) to (d); and
- (f) tanning, currying, colouring, processing and finishing hides and skins into leather,

shall be registered.

Wood products and paper

39. (1) An undertaking that will be engaged in the manufacturing of products from wood including

- (a) sawing logs into lumber and other products that will have more than a 1200 cubic metre annual production;

- (b) treating lumber, plywood, poles and wood with preservatives and pressure treating to prevent decay and to protect against fire or insects;
- (c) manufacturing soft wood and hardwood veneer, plywood and structural wood members and reconstituted wood panel products; and
- (d) manufacturing waferboard, particleboard and fibreboard mills,

shall be registered.

(2) An undertaking that will be engaged in the manufacturing of newsprint, paper, paper products, paperboard, paperboard containers or pulp, whether by mechanical or chemical means and including de-inking facilities shall be registered.

Petroleum and coal products

40. (1) An undertaking that will be engaged in refining or manufacturing crude petroleum, petroleum, coal products, asphalt paving, roofing and saturated materials, asphalt shingle and coating materials shall be registered.

(2) Notwithstanding subsection (1), an undertaking that is a portable asphalt manufacturing plant is not required to be registered.

Chemical manufacturing

41. An undertaking that will be engaged in manufacturing

- (a) chemicals and chemical preparations from organic and inorganic raw materials;
- (b) petrochemicals;
- (c) industrial organic and inorganic gases in compressed, liquid and solid forms;
- (d) inorganic or organic chemicals;
- (e) resin and synthetic rubber, artificial and synthetic fibres and filaments from organic polymers and petrochemicals;
- (f) pesticide, fertilizer and other agricultural chemicals whether natural organic or chemical in origin and mixtures of these;

- (g) pharmaceutical products, medicine and drugs for human or animal use;
- (h) paint, varnish, filler, stain or other coatings including mixing pigment, solvent and binder into paint, varnish, filler, stain and other coatings;
- (i) glue, adhesives and related products;
- (j) soap and cleaning compounds including toilet preparations, room fresheners, detergents, polishing preparations, drain pipe solvents, dry-cleaning preparations, fabric softeners, finishing agents, soap, surfactants, toothpaste, tooth powder and waxes;
- (k) printing inks and ink jet inks ;
- (l) explosive preparations, detonators and explosive devices; and
- (m) compounds or other chemical products including photographic films or plates,

shall be registered.

Plastic and rubber products

42. (1) An undertaking that will be engaged in the manufacturing of plastic or rubber products by processing raw rubber or plastics materials or by recycling these materials

- (a) by compression, extrusion, injection or blow moulding or casting;
- (b) by converting plastic resins into unsupported plastic films, sheets and bags ;
- (c) into plastic pipe, pipe fittings, tubing, unsupported profile shapes, laminated plastic plate, sheets, rods and shapes, polystyrene foam products, urethane foam products, resilient floor coverings, plastic bottle and other plastic products;
- (d) by processing natural, synthetic or reclaimed rubber into tubing, tires or rubber hose;

(e) into tires; and

(f) into rubber and plastic hose and belting and other rubber products,

shall be registered.

(2) Notwithstanding paragraph (1)(e), an undertaking that will be engaged in the retreading or rebuilding of tires is not required to be registered.

Non metallic mineral product

43. (1) An undertaking that will be engaged in the manufacturing of structural clay products shall be registered.

(2) An undertaking that will be engaged in the manufacturing of cement and concrete products including the

(a) production of hydraulic cement; and

(b) manufacturing of concrete pipe, brick and block from a mixture of cement, water and aggregate,

shall be registered.

(3) An undertaking that will be engaged in the manufacturing of

(a) quicklime, hydrated lime and dead burned dolomite by crushing, screening and roasting of limestone, dolomite shells or other sources of calcium carbonate; and

(b) products composed wholly or chiefly of gypsum,

shall be registered.

(4) An undertaking that will be engaged in manufacturing

(a) abrasive grinding wheels, abrasive coated materials and other abrasive products; and

(b) other non-metallic mineral products including refractory, asbestos, gypsum, fibrous glass, mineral wool and drilling muds materials,

shall be registered.

Primary metals and
metal manufactur-
ing

44. (1) An undertaking that will be engaged in

- (a) smelting and refining ferrous and non ferrous metals from ore, pig or scrap in blast or electric furnaces, making metal alloys by adding chemical elements to the process and producing sheet, strip, bars, rods, wires, castings and other basic metal products;
- (b) manufacturing iron and steel pipe and tube, drawing steel wire and rolling steel shapes from purchased steel;
- (c) extracting alumina from bauxite ore, producing aluminium from alumina, refining aluminium by any process and rolling, drawing, extruding and alloying aluminium and aluminium-based alloy shapes and recovering aluminium from scrap;
- (d) smelting, refining, rolling, drawing, extruding and alloying non ferrous metal other than aluminium; and
- (e) pouring molten metal into moulds or dies to form castings,

shall be registered.

(2) An undertaking that will be engaged in forging, stamping, forming, turning and joining processes to produce ferrous and non-ferrous metal products shall be registered.

(3) An undertaking that will be engaged in

- (a) operating a dry-dock or shipyard, manufacturing, constructing, repairing, altering or converting ships or boats of more than 4.54 tonnes displacement including marine production platforms for petroleum, natural gas or mineral resource extraction; and
- (b) the establishment or expansion of commercial facilities to be involved in the application of paint, varnish, lacquer, primer, resin and fibreglass with respect to a ship, boat or marine production platform,

shall be registered.

(4) Notwithstanding subsection (3), an undertaking that will be located on property owned by a natural person where the purpose of that undertaking is to build or repair his or her fishing vessel, is not required to be registered.

Petroleum product
and other whole-
saler-distributors

45. (1) An undertaking that will be engaged in wholesaling crude oil, liquefied petroleum gases, heating oil and other refined petroleum products where the total storage capacity will be more than 2,000,000 litres shall be registered.

(2) An undertaking that will be engaged in the assembling, breaking up, sorting or wholesale trading of scrap, junk or waste material of any type shall be registered.

(3) Notwithstanding subsection (2), an undertaking that will be engaged in the wholesale trading of waste materials designated for re-use or recycling is not required to be registered.

Air transportation

46. An undertaking that will be engaged in the establishment and operation of permanent airports on land or water shall be registered.

Waste management

47. (1) An undertaking that will be engaged in the

(a) establishment of a waste disposal site where the population to be served by the site is more than 5000; and

(b) collection, storage or disposal of hazardous waste materials,

shall be registered.

(2) Notwithstanding subsection (1), an undertaking that will be engaged in the collection and temporary storage of hazardous waste materials destined for recycling is not required to be registered.

Spectator sports and
recreation industries

48. (1) An undertaking that will be engaged in the establishment or operation of

(a) a horse racetrack;

- (b) a motorized vehicle racetrack;
- (c) downhill or cross country skiing facilities, including trails, where the
 - (i) area of land to be developed will be more than 10 hectares, or
 - (ii) total length of the trails will be more than 10 kilometres;
- (d) a marina;
- (e) inclined railways, aerial lifts and tows;
- (f) trails and facilities for motorized recreational vehicles;
- (g) a golf course where
 - (i) the total area to be cleared is more than 50 hectares, or
 - (ii) a portion of the land to be cleared is within 200 metres of a high water mark; and
- (h) trails where the length of a trail will be more than 10 kilometres,

shall be registered.

- (2) Notwithstanding subsection (1), an undertaking that will be a
 - (a) marina operation located entirely within an area designated for that purpose within a development plan;
 - (b) trail designated or approved for use under the *Motorized Snow Vehicles and All-Terrain Vehicles Act*; and
 - (c) trail located entirely within an area designated for that purpose in a development plan or in a provincial park established under the *Provincial Parks Act*,

is not required to be registered.

Accommodation
services

49. (1) An undertaking that will be engaged in the establishment and operation of a

- (a) camping ground;
- (b) travel trailer park; and
- (c) recreation or vacation camp,

where the area of the land to be developed is more than 10 hectares, shall be registered.

(2) Notwithstanding subsection (1), where the area of land to be developed for an undertaking referred to in that subsection is located entirely within an area designated for that purpose in a development plan, that undertaking is not required to be registered.

Application of
paint, varnish, etc.

50. An undertaking that will be engaged in the establishment of or expansion of a commercial facility that will be involved in the application of paint, varnish, lacquer, primer, resin, coating or fibreglass shall be registered.

Provincial admini-
stration

51. (1) An undertaking that will be engaged in the administration of a provincial government program that will

- (a) introduce an exotic species of animal or plant into the province;
- (b) introduce a species of animal or plant that is native to an area of the province into another area of the province where, actually and historically, that species does not occur or is not known to occur; and
- (c) designate Crown land for cottage development or other recreational development where the total area will be more than 10 hectares,

shall be registered.

(2) Notwithstanding paragraph (1)(c) an undertaking that is referred to in that paragraph that will be located within an area designated for that purpose in a development plan is not required to be registered.

Limitation

52. Notwithstanding that an undertaking is not required to be registered because it is smaller than a specified limitation with respect to time, area, length, volume, size or output, where

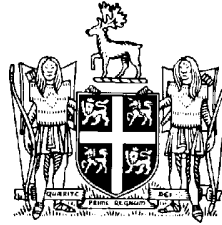
- (a) there is an extension of or a new undertaking adjacent to that existing undertaking; and
- (b) the total size of the extended or new undertaking added to the existing undertaking will exceed the specified limitation with respect to time, area, length, volume, size or output,

that extended or new undertaking shall be registered.

NLR 48/00 Rep.

53. The *Environmental Assessment Regulations, 2000, Consolidated Newfoundland and Labrador Regulations 48/00*, are repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 55/03

Ozone Depleting Substance Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-222)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

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Short title **1.** These regulations may be cited as the *Ozone Depleting Substance Regulations, 2003*.

Definitions **2.** In these regulations

- (a) "air conditioning or refrigeration equipment" means an air conditioning, heat pump, refrigeration or freezer unit, equipment or system, whether household, commercial, stationary or mobile, including a motor vehicle air conditioner, which contains, normally contains or is designed to contain a regulated substance listed in Schedule A, B or C;
- (b) "approved container" means a refillable pressurized container, other than as a part of another product, with a total capacity of greater than 10 kilograms designed specifically to contain regulated substances and which meets the requirements of the *Transportation of Dangerous Goods Regulations* under the *Transportation of Dangerous Goods Act* (Canada);
- (c) "approved person" means a person who has successfully completed an environmental awareness course for ozone depleting substances accepted by Environment Canada and the minister, and who holds a certificate issued under section 11;
- (d) "certificate" is the certificate awarded for completing an approved environmental awareness course under section 11;
- (e) "code of practice" means the most recent published version of the "Code of Practice for the Reduction of Chlorofluorocarbon Emissions from Refrigeration and Air Conditioning Systems" being published by Environment Canada, EPS 1/RA/2 March 1996;

- (f) "decommission" means to take equipment or a system out of service intending not to return it to its existing use;
- (g) "disposal of equipment" means to sell or transfer in an operating condition or a non-operating condition as solid waste to a waste disposal site or as scrap;
- (h) "extended non-operation" means a system or piece of equipment which has not been or will not be operated for a period of more than 8 months;
- (i) "fire extinguishing equipment" means a fire extinguishing system or a portable fire extinguisher;
- (j) "fire extinguishing system" means a fire extinguishing system that is not manually transportable, a fire suppression system or an explosion suppression system and includes related equipment other than a portable fire extinguisher;
- (k) "halon" means a substance or mixture mixed in Schedule D;
- (l) "minister" means the minister responsible for the *Environmental Protection Act*;
- (m) "motor vehicle air conditioner" means an air conditioning unit or system of a motor powered vehicle, including cars, trucks, buses, tractors and other similar applications, other than an aircraft, whether or not it would be a vehicle under the *Highway Traffic Act*, if that unit or system is driven by an engine and is a mechanical vapour compression refrigeration system that provides cooling for the vehicle operator or passenger;
- (n) "operator" means, with respect to equipment rated at 3 horsepower or greater, the representative of the owner or person designated by the owner to be responsible for the operation of the equipment;
- (o) "ozone depleting substance" means a substance listed in Schedule A, B, D or E;
- (p) "portable fire extinguisher" means a fire extinguisher that is manually transportable;

- (q) "reclaim" means to take recovered material to a process plant or operation where the quality is improved to meet the Air Conditioning & Refrigeration Institute "1988 Standard for Specifications for Fluorocarbon Refrigerants - Standard 700";
- (r) "recover" means to remove and contain a regulated substance in an approved container outside the system from which it was removed;
- (s) "recycle" means to recover material from a system or piece of equipment and pass it through driers, filters, oil separators and other devices which are on the recycling equipment to improve the quality of refrigerant prior to reuse;
- (t) "refrigerant" means a substance listed in Schedule A, B, C or F which is used in air conditioning or refrigeration equipment;
- (u) "registration number" means the registration number issued by the minister to an approved person;
- (v) "regulated substance" means a substance or mixture listed in Schedules A to F;
- (w) "reuse" means to return a recovered regulated substance, without further cleaning, to the equipment from which it was recovered after completion of repairs or service;
- (x) "sell" includes a transfer of ownership or possession, by mutual agreement; and
- (y) "service" includes construction, installation, testing, maintenance, adjusting, repairing, charging, recharging, relocation, moving, decommissioning, dismantling, removal and disposal.

Application

3. (1) These regulations apply to

- (a) refrigeration, air conditioning and fire extinguishing products, equipment or devices that make use of ozone depleting substances or other regulated substances; and

(b) containers and equipment designed for use with, or for the servicing of, these products, equipment or devices.

(2) If a conflict exists between these regulations and the code of practice, these regulations shall prevail.

(3) The requirements established by these regulations are in addition to the requirements established under other municipal, provincial or federal enactments.

(4) A permit or certificate issued by the province before the commencement of these regulations shall not be used as authority for a failure to comply with the terms of these regulations.

(5) The following attached schedules form part of these regulations:

<i>Schedule</i>	<i>Contents</i>
A	CFCs (Chlorofluorocarbons)
B	HCFCs (Hydrochlorofluorocarbons)
C	HFCs (Hydrofluorocarbons)
D	Halons (Bromofluorocarbons, Bromochloro-fluorocarbons)
E	HBFCs (Hydrobromofluorocarbons)
F	FCs (Perfluorocarbons)

Prohibition of
release

4. (1) Unless expressly permitted by these regulations or by the code of practice, a person shall not directly or indirectly release a regulated substance or cause or allow a regulated substance to be released into the atmosphere from

(a) air conditioning, refrigeration or fire extinguishing equipment; and

(b) a container, device or equipment employed in the use, reuse, recycling, reclaiming, supply, transport or storage of a regulated substance.

(2) A person shall not store or destroy a regulated substance in a manner which may allow it to enter the environment.

Secure equipment

5. (1) An owner of air conditioning, refrigeration or fire extinguishing equipment or parts of these shall ensure that the equipment is secured from unauthorized access that could lead to the release of a regulated substance.

(2) Subsection (1) shall not apply to vehicle air conditioners, refrigerators, freezers, air conditioners, heat pumps, portable fire extinguishers and equipment used as a residential household appliance.

Reporting releases

6. A release of more than 10 kilograms of a substance or an azeotrope or mixture of substances listed in Schedule A or D shall be immediately reported to the department within one working day as to the circumstances of the release and as to the actions taken.

Disposal of equipment

7. Refrigeration, air conditioning or fire extinguishing equipment, including equipment which is a part of other equipment, a vehicle, vessel or building which is being decommissioned, dismantled or disposed of shall first have the regulated substances recovered and put into approved containers and shall be labelled "ODS Free".

Wholesalers

8. (1) A person or company engaged in the sale of regulated substances, except as part of a servicing activity, shall register with the department as a wholesaler of those regulated substances.

(2) Wholesalers shall keep records of the quantity and identity of all regulated substances sold, the date of sale and, where applicable, the certificate number of the approved person to whom it was sold for a period of 3 years and shall, upon request, make these records available to the department.

Seller take back

9. (1) Wholesalers shall accept returns of regulated substances, whether used or unused, if the regulated substance is

- (a) not sold as part of, or contained in, equipment or a device;
- (b) returned in a container designed to contain the substance;
- (c) returned to the wholesaler from whom the substance was purchased;

- (d) returned at the wholesaler's place of business during normal business hours; and
- (e) returned with a proof of purchase, dated after the coming into force of these regulations, for a quantity up to and including an equivalent amount of the regulated substance purchased.

(2) Wholesalers shall store a returned regulated substance until that substance can be delivered to a person who manufactures, reclaims, recycles or destroys the regulated substance.

Containers

10. (1) Ninety days after these regulations come into force, a person shall not sell a refrigerant to another person unless the refrigerant is

- (a) in an approved container for which a minimum \$25 refundable deposit is collected;
- (b) in air conditioning or refrigeration equipment or a part of them; or
- (c) a part of the servicing of air conditioning or refrigeration equipment.

(2) Containers used to receive, contain or transport recovered or recycled refrigerants shall be approved containers and when being disposed in the province, refrigerant containers, whether refillable, recyclable or disposable, may only be disposed of

- (a) at a container recycling facility that has been approved by the minister, where the container is evacuated to a minimum 20" of vacuum and the regulated substance is collected for reprocessing or destruction; and
- (b) where metal from recycled containers is disposed of, to a scrap metal dealer licensed as a salvage dealer under the *Salvage Dealers Licensing Act* or at a waste disposal site established under the *Waste Material Disposal Act* or the *Environmental Protection Act*.

(3) A wholesaler shall keep records of the numbers of containers recycled and the quantity and identity of all regulated substances re-

covered for 3 years and this information shall be available to the department upon request.

(4) Low pressure containers such as drums and pails are exempt from subsections (1) and (2) provided that section 4 is not violated.

Certification

11. (1) A person who services refrigeration and air conditioning equipment shall successfully complete an environmental awareness course on ozone depleting substances and their replacements which has been approved by Environment Canada and the minister.

(2) A person successfully completing the environmental awareness course referred to in subsection (1) shall be awarded a confirming certificate and wallet card signifying that the person is an approved person.

(3) A certificate issued under this section shall be numbered and the names of all approved persons and their certificate numbers shall be recorded in a database approved by the minister.

(4) A person shall not buy, borrow, lend or sell a certificate or use a certificate not issued to the bearer.

Service

12. (1) Air conditioning or refrigeration equipment shall be serviced in accordance with the code of practice and these regulations.

(2) Within 90 days of the coming into force of these regulations, a person who services air conditioning or refrigeration equipment, or does other work on air conditioning or refrigeration equipment that may result in the release of a regulated substance, shall

(a) have available at the job site operational equipment that can recover and contain a regulated substance; and

(b) recover and reuse, recycle, reclaim or arrange for the destruction of an ozone depleting substance that would otherwise be released during the servicing procedure.

(3) Devices purchased or constructed for the recovery and recycling of regulated substances on or after the date of the coming into force of these regulations shall meet minimum recovery standards specified by the minister, and be certified as meeting those standards by a testing agency designated by the minister.

(4) Recovered refrigerants shall not be mixed with another type of refrigerant.

(5) A hazardous waste product, toxic substance or other foreign material, except gases used in testing or other material normally present in the system, shall not be intentionally mixed with recovered material.

(6) A person shall not service air conditioning or refrigeration equipment unless that person is an approved person.

(7) A person who employs another person to install, service, charge, recharge or maintain air conditioning or refrigeration equipment containing a regulated substance shall ensure that the person is an approved person.

Leak testing

13. (1) The owner or the operator, or both, of air conditioning or refrigeration equipment shall ensure that an approved person conducts a leak test once a year of all components of the equipment that are in contact with a regulated refrigerant.

(2) Subsection (1) shall not apply to systems less than 3 horsepower, motor vehicle air conditioners and heat pumps owned by individuals and used for domestic purposes.

(3) A person who services air conditioning or refrigeration equipment shall test for leaks before adding a regulated substance to the equipment.

(4) A person shall not add a regulated substance to equipment, devices or containers which are leaking.

(5) Subsections (3) and (4) do not apply where there is no reasonable alternative to the refilling of refrigeration equipment and there is

(a) an immediate danger to human life or health at a health care facility; or

(b) an immediate danger to crops, plant or animal life or food-stuffs on a farm or at a food packing, processing or storage facility.

(6) Where, for a reason indicated in paragraph (5)(a) or (b), refrigerant has been added to equipment without first performing a leak test, the owner or operator shall

- (a) have the refrigeration equipment tested for leaks immediately after filling;
- (b) have leaks in the refrigeration equipment fixed immediately; and
- (c) within 24 hours report to the department the circumstances and actions taken.

Notice

14. (1) A person completing a leak test on air conditioning or refrigeration equipment shall place a notice on the equipment indicating the

- (a) date of the test;
- (b) person's name;
- (c) person's certificate number; and
- (d) results of the test.

(2) Where a leak test is performed on a motor vehicle air conditioner, the required notice shall be affixed to the frame or edge of the door nearest to the driver's seat.

(3) Where a leak test reveals that refrigerant is leaking from equipment, the person conducting the test shall

- (a) ensure that the equipment is immediately and effectively repaired so that further leaking cannot occur; or
- (b) ensure that the regulated substance is immediately recovered from the equipment and handled in accordance with these regulations and the code of practice, and that the notice indicates that the equipment is not in working order and that it would be an offence to recharge it with refrigerant unless it is first repaired; or

(c) notify the department within one working day of the particulars of the leak test where that person does not comply with paragraph (a) or (b).

(4) A person performing a leak test on air conditioning or refrigeration equipment shall inform the owner or operator of the equipment of the results of the test.

(5) A copy of a notice issued under subsection (1) shall be kept for 3 years and shall be available to the department upon request.

(6) This section does not apply to servicing or testing which takes place in the course of the manufacture of a product which is or which contains air conditioning or refrigeration equipment.

Leak testing

15. (1) A person shall not add a refrigerant listed in Schedule A or B to a device, container or equipment for the purpose of leak testing in a manner that may cause discharge of that refrigerant into the environment.

(2) Subsection (1) shall not apply to the servicing of a motor vehicle air conditioner where

(a) the refrigerant pressure in the system is too low to permit leak detection;

(b) the refrigerant added to the system is the same as the residual refrigerant; and

(c) testing is carried out in accordance with the code of practice.

Motor vehicles

16. (1) A person shall not install in a motor vehicle an air conditioning unit that operates or is intended to operate using a refrigerant listed in Schedule A.

(2) The refrigerant in a motor vehicle air conditioner shall not be replaced by a flammable or ignitable substance or mixture.

Compressor purge

17. (1) A sub-atmospheric centrifugal chiller purchased or installed after the coming into force of these regulations shall have a chiller system purge unit designed and operated in accordance with the code of practice and which expels not more than 0.1 kilograms refrigerant for every kilogram of air that is purged.

(2) Existing sub-atmospheric centrifugal chiller systems shall be upgraded by January 1, 2000, to have zero refrigerant emissions.

Extended non-
operation

18. (1) All extended non-operational systems or equipment shall have the refrigerant removed and placed in an approved container.

(2) Prior to startup for reuse, the systems referred to in subsection (1) shall be leak tested in accordance with these regulations.

(3) Subsection (1) shall not apply to non-operational systems or equipment of less than 3 horsepower and heat pumps owned by individuals and used for domestic purposes.

Sale and purchase
of refrigerants

19. (1) Only a person who holds a certificate and is an approved person may purchase, accept or transfer ownership of refrigerant that is not contained in air conditioning or refrigeration equipment or a part of them or added to that equipment as part of a servicing activity.

(2) Notwithstanding subsection (1), registered wholesalers shall be permitted to purchase refrigerants from suppliers for resale to approved persons holding a valid certificate.

(3) A person shall not sell, loan, lease or transfer ownership of refrigerant to a person other than a certificate holder and approved person, unless it is contained in air conditioning or refrigeration equipment or installed into air conditioning or refrigeration equipment as part of a servicing activity.

(4) All refrigerant ordered, picked up or received shall bear on the shipping documents or bill of sale the name and certificate number of the approved person receiving that refrigerant.

Labelling and
record keeping

20. (1) A person shall not manufacture, bring into the province, sell, offer for sale or install new air conditioning or refrigeration equipment that does not have, in a location clearly visible to a person servicing the equipment, a securely affixed and permanent label or tag stating

(a) the equipment manufacturer;

(b) the quantity and type of refrigerant;

(c) the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Refrigerant Number;

- (d) the ASHRAE Safety Designation;
- (e) the quantity and type of refrigerant oil;
- (f) the Ozone Depleting Potential (ODP); and
- (g) the Global Warming Potential (GWP).

(2) A person who charges or recharges air conditioning or refrigeration equipment with a regulated substance shall record on a securely affixed and permanent label, and in a service log

- (a) the type and amount of the regulated substance added to the equipment;
- (b) the date the regulated substance was added;
- (c) the name of the person that performed the charging or recharging;
- (d) that person's certificate number; and
- (e) if that person performed the charging or recharging as an employee or agent of a business, the name of that business.

(3) Contractors and service technicians shall keep records of all refrigerants received and all refrigerant used, the locations where it was used and amount used at each location for a period of at least 3 years and shall, upon request, make these records available to officials of the department.

Fire extinguishing

21. (1) A person shall not discharge a regulated substance into the environment from fire extinguishing equipment except for the purpose of extinguishing a fire.

(2) Halons shall not be used to extinguish fires set for fire fighting training purposes.

(3) New fire extinguishing equipment containing halons are not permitted commencing on the date of coming into force of these regulations.

(4) Existing fire extinguishing equipment containing halons may be recharged using recovered, recycled or reconditioned halon.

(5) Fire extinguishing systems containing regulated substances shall be tested for leakage according to National Fire Protection Association procedures at intervals of no greater than 6 months if another interval is not specified in those procedures.

(6) Records of testing for leakage shall be maintained by the system owner and shall, upon request, be made available to officials of the department.

(7) An owner of fire extinguishing equipment containing more than 40 kilograms of halon, or of more than 10 portable fire extinguishers, shall submit to the department a detailed strategic plan for the phase-out and replacement of halons and the plan shall follow a format designated as acceptable by the minister.

(8) The strategic plan referred to in subsection (7) shall be submitted within 6 months of the coming into force of these regulation.

(9) Owners of fire extinguishing systems shall have a written procedures manual for regular operation of the equipment.

(10) Owners of fire extinguishing equipment referred to in subsection (7) shall ensure that this equipment is properly serviced and maintained by trained personnel in accordance with these regulations.

Prohibition

22. A person shall not service a fire extinguishing system without first

- (a) advising the person or persons responsible for the area in which the equipment is located and receiving permission to proceed;
- (b) placing the system on manual operation and manually closing the appropriate valves to isolate the halon supply containers; and
- (c) tagging the control panel of the system to indicate that it is out of operation during the period of service.

Servicing **23.** (1) During servicing of fire extinguishing equipment, regulated substances shall not be vented to the atmosphere.

(2) Servicing and inspection of fire extinguishing equipment containing regulated substances shall be carried out in accordance with the manufacturer's instructions, the Underwriters' Laboratories of Canada publication CAN/ULC-S532-M90, "Standard for the Regulation of the Servicing of Portable Fire Extinguishers", or the ULC/ORD-C1058.18-1993, "The Servicing of Halon Extinguishing Systems".

(3) All discharges of ozone depleting substances from fire extinguishing equipment shall be logged and reported to the department once a year with the date, time, reason for discharge and amount.

Repeal **24. The *Ozone Depleting Substance Regulations, Newfoundland and Labrador Regulation 120/97* are repealed.**

Schedule A

Chlorofluorocarbons (CFCs)

- (a) CFC-11 (chlorofluorocarbon-11), also known as fluorotrichloromethane
- (b) CFC-12 (chlorofluorocarbon-12), also known as dichlorodifluoromethane
- (c) CFC-113 (chlorofluorocarbon-113), also known as 1,1,2-trichloro 1,2,2-trifluoroethane
- (d) CFC-114 (chlorofluorocarbon-114), also known as 1,2-dichloro 1,1,2,2-tetrafluoroethane
- (e) CFC-115 (chlorofluorocarbon-115), also known as 1-chloro-1,1,2,2,2-pentafluoroethane
- (f) CFC-13 (chlorofluorocarbon-13), also known as chlorotrifluoromethane
- (g) CFC-111 (chlorofluorocarbon-111), also known as pentachlorofluoroethane
- (h) CFC-112 (chlorofluorocarbon-112), also known as tetrachlorofluoroethane
- (i) CFC-211 (chlorofluorocarbon-211), also known as heptachlorofluoropropane
- (j) CFC-212 (chlorofluorocarbon-212), also known as hexachlorodifluoropropane
- (k) CFC-213 (chlorofluorocarbon-213), also known as pentachlorotrifluoropropane
- (l) CFC-214 (chlorofluorocarbon-214), also known as tetrachlorotetrafluoropropane
- (m) CFC-215 (chlorofluorocarbon-215), also known as trichloropentafluoropropane

- (n) CFC-216 (chlorofluorocarbon-216), also known as dichloro-hexafluoropropane
- (o) CFC-217 (chlorofluorocarbon-217), also known as chloro-heptafluoropropane

Isomers

- (p) Isomers of all substances listed in paragraphs (a) to (o)

Azeotropes

CFC Containing Azeotropes

- (q) CFC-500 (CFC-12/HFC-152a, 73.8/26.2 wt. %)
- (r) CFC-501 (CFC-12/HCFC-22, 25.0/75.0 wt. %)
- (s) CFC-502 (HCFC-22/CFC-115, 48.8/51.2 wt. %)
- (t) CFC-503 (CFC-13/HCFC-23, 59.9/40.1 wt. %)
- (u) CFC-504 (HFC-32/CFC-115, 48.2/51.8 wt. %)
- (v) CFC-505 (CFC-12/HCFC-31 78/22 wt. %)
- (w) CFC-506 (HCFC-31/CFC-114 55.1/44.9 wt. %)

Mixtures

All mixtures containing any of the above substances.

Schedule B

Hydrochlorofluorocarbons (HCFCs)

- (a) HCFC-21 (hydrochlorofluorocarbon-21), also known as dichlorofluoromethane
- (b) HCFC-22 (hydrochlorofluorocarbon-22), also known as chlorodifluoromethane
- (c) HCFC-31 (hydrochlorofluorocarbon-31), also known as chlorofluoromethane
- (d) HCFC-121 (hydrochlorofluorocarbon-121), also known as tetrachlorofluoroethane
- (e) HCFC-122 (hydrochlorofluorocarbon-122), also known as trichlorodifluoroethane
- (f) HCFC-123 (hydrochlorofluorocarbon-123), also known as dichlorotrifluoroethane
- (g) HCFC-124 (hydrochlorofluorocarbon-124), also known as chlorotetrafluoroethane
- (h) HCFC-131 (hydrochlorofluorocarbon-131), also known as trichlorofluoroethane
- (i) HCFC-132 (hydrochlorofluorocarbon-132), also known as dichlorodifluoroethane
- (j) HCFC-133 (hydrochlorofluorocarbon-133), also known as chlorotrifluoroethane
- (k) HCFC-141 (hydrochlorofluorocarbon-141), also known as dichlorofluoroethane
- (l) HCFC-142 (hydrochlorofluorocarbon-142), also known as chlorodifluoroethane
- (m) HCFC-221 (hydrochlorofluorocarbon-221), also known as hexachlorofluoropropane

- (n) HCFC-222 (hydrochlorofluorocarbon-222), also known as pentachlorodifluoropropane
- (o) HCFC-223 (hydrochlorofluorocarbon-223), also known as tetrachlorotrifluoropropane
- (p) HCFC-224 (hydrochlorofluorocarbon-224), also known as trichlorotetrafluoropropane
- (q) HCFC-225 (hydrochlorofluorocarbon-225), also known as dichloropentafluoropropane
- (r) HCFC-226 (hydrochlorofluorocarbon-226), also known as chlorohexafluoropropane
- (s) HCFC-231 (hydrochlorofluorocarbon-231), also known as pentachlorofluoropropane
- (t) HCFC-232 (hydrochlorofluorocarbon-232), also known as tetrachlorodifluoropropane
- (u) HCFC-233 (hydrochlorofluorocarbon-233), also known as trichlorotrifluoropropane
- (v) HCFC-234 (hydrochlorofluorocarbon-234), also known as dichlorotetrafluoropropane
- (w) HCFC-235 (hydrochlorofluorocarbon-235), also known as chloropentafluoropropane
- (x) HCFC-241 (hydrochlorofluorocarbon-241), also known as tetrachlorofluoropropane
- (y) HCFC-242 (hydrochlorofluorocarbon-242), also known as trichlorodifluoropropane
- (z) HCFC-243 (hydrochlorofluorocarbon-243), also known as dichlorotrifluoropropane
- (aa) HCFC-244 (hydrochlorofluorocarbon-244), also known as chlorotetrafluoropropane

- (bb) HCFC-251 (hydrochlorofluorocarbon-251), also known as trichlorofluoropropane
- (cc) HCFC-252 (hydrochlorofluorocarbon-252), also known as dichlorodifluoropropane
- (dd) HCFC-253 (hydrochlorofluorocarbon-253), also known as chlorotrifluoropropane
- (ee) HCFC-261 (hydrochlorofluorocarbon-261), also known as dichlorofluoropropane
- (ff) HCFC-262 (hydrochlorofluorocarbon-262), also known as chlorodifluoropropane
- (gg) HCFC-271 (hydrochlorofluorocarbon-271), also known as chlorofluoropropane

All isomers of the above.

All mixtures and azeotropes of the above.

Schedule C

Hydrofluorocarbons (HFCs)

- (a) HFC 23 - trifluoromethane
- (b) HFC 32 - difluoromethane
- (c) HFC 125 - pentafluoroethane
- (d) HFC 134 - tetrafluoroethane
- (e) HFC 143 - trifluoroethane
- (f) HFC 152 - difluoroethane
- (g) HFC 161 - monofluoroethane
- (h) HFC 281 - fluoropropane
- (i) HFC 272 - difluoropropane
- (j) HFC 263 - trifluoropropane
- (k) HFC 254 - tetrafluoropropane
- (l) HFC 245 - pentafluoropropane
- (m) HFC 236 - hexafluoropropane
- (n) HFC 227 - heptafluoropropane
- (o) HFC 218 - octafluoropropane

All isomers of the above.

All mixtures and azeotropes of the above.

Mixtures or azeotropes of the above with HCFCs are part of Schedule B.

Mixtures of azeotropes of the above containing CFCs are part of
Schedule A.

Schedule D

Halons

- (a) Halon-1211, also known as bromochlorodifluoro-methane
- (b) Halon-1301, also known as bromotrifluoromethane
- (c) Halon-2402, also known as dibromotetrafluoroethane

Mixtures

A mixture containing one of the above.

Any azeotropes of the above.

Schedule E

Hydrobromofluorocarbons (HBFCs)

- (a) dibromofluoromethane
- (b) bromodifluoromethane, also known as HBFC-22B1
- (c) bromofluoromethane
- (d) tetrabromofluoroethane
- (e) tribromodifluoroethane
- (f) dibromotrifluoroethane
- (g) bromotetrafluoroethane
- (h) tribromofluoroethane
- (i) dibromodifluoroethane
- (j) bromotrifluoroethane
- (k) dibromofluoroethane
- (l) bromodifluoroethane
- (m) bromofluoroethane
- (n) hexabromofluoropropane
- (o) pentabromodifluoropropane
- (p) tetrabromotrifluoropropane
- (q) tribromotetrafluoropropane
- (r) dibromopentafluoropropane
- (s) bromohexafluoropropane

- (t) pentabromofluoropropane
- (u) tetrabromodifluoropropane
- (v) tribromotrifluoropropane
- (w) dibromotetrafluoropropane
- (x) bromopentafluoropropane
- (y) tetrabromofluoropropane
- (z) tribromodifluoropropane
- (aa) dibromotrifluoropropane
- (bb) bromotetrafluoropropane
- (cc) tribromofluoropropane
- (dd) dibromodifluoropropane
- (ee) bromotrifluoropropane
- (ff) dibromofluoropropane
- (gg) bromodifluoropropane
- (hh) bromofluoropropane

HBFC-124B1, also known as 1-bromo 1,2,2,2-tetrafluoroethane etc.
(other substances listed in Montreal Protocol).

Mixtures

A mixture containing one of the above.

Any azeotropes of the above.

Schedule F

Perfluorocarbons (FCs)

- (a) FC-14, also known as tetrafluoromethane
- (b) FC-116, also known as hexafluoroethane
- (c) FC-218, also known as octafluoropropane
- (d) FC-3-1-10, also known as decafluorobutane
- (e) FC-4-1-12, also known as dodecafluoropentane
- (f) FC-5-1-14, also known as tetradecafluorohexane

Mixtures

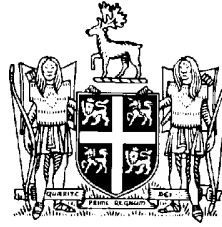
A mixture containing one of the above.

Any azeotropes of the above.

Mixtures or azeotropes of the above with HCFCs are part of Schedule B.

Mixtures or azeotropes of the above containing CFCs are part of Schedule A.

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NEWFOUNDLAND AND LABRADOR REGULATION 56/03

Air Pollution Control Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-223)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---|--|
| 1. Short title | 10. Burning of materials in combustion process |
| 2. Definitions | 11. Burning in open fires |
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	Schedule A	Schedule C
	Schedule B	
Short title	<p>1. These regulations may be cited as the <i>Air Pollution Control Regulations, 2003</i>.</p>	
Definitions	<p>2. In these regulations</p> <p>(a) "Act" means the <i>Environmental Protection Act</i>;</p> <p>(b) "air" means open air not enclosed within the industry's boundary, building, structure, machine, chimney, stack, flue or an underground area;</p> <p>(c) "air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapour, gas, odorous substances or a combination of them which may impair the quality of the natural environment for any use that can be made of it, cause harm or discomfort to a person, adversely affect the health or impair the safety of a person or cause injury or damage to the property or to plant or animal life;</p> <p>(d) "air pollution" means the presence in the air of an air contaminant or combination of contaminants in excess of the maximum permissible amount, concentration or level as prescribed by these regulations;</p> <p>(e) "changed works" means existing works in which the mode of operation is changed after March 20, 1981;</p> <p>(f) "combustion process equipment" means a furnace, boiler, drier, apparatus, stack and all appurtenances used in the combustion process and excludes mobile internal combustion engines when used to provide propulsion;</p> <p>(g) "department" means the department presided over by the minister;</p> <p>(h) "department official" means a person who is designated by the minister as an official for the purpose of the administration and enforcement of the Act and these regulations;</p> <p>(i) "existing works" means works existing on March 20, 1981;</p>	

- (j) "extended works" means existing works, the capacity of which is increased after March 20, 1981;
- (k) "forage" means grasses, pasture and other vegetation that is consumed or is intended for consumption by livestock;
- (l) "minister" means the minister appointed under the *Executive Council Act* to administer the Act;
- (m) "new works" means works that commence operation after March 20, 1981;
- (n) "odour" includes the smell of ammonia, hydrogen sulfide, amines, sulphur dioxide or other smell that causes discomfort to persons;
- (o) "opacity" means
 - (i) the colour of a visible emission in shades of grey to black, or
 - (ii) the degree to which a visible emission obstructs the passage of light;
- (p) "particulate matter" means a material, except water in uncombined form that is or has been airborne and exists as a liquid or a solid at standard conditions;
- (q) "point of emission" means the point at which a contaminant enters the natural environment;
- (r) "point of impingement" means an animate or inanimate object at or above ground level beyond the industry's boundary upon which an air contaminant may impinge;
- (s) "stack" means a chimney, flue, conduit or duct arranged to conduct emissions to the air;
- (t) "standard conditions" means a dry gas temperature of 0° Celsius and a gas pressure of 101.325 kilopascals;
- (u) "visible emission" means a contaminant emitted to the atmosphere which can be detected by the naked eye; and

- (v) "works" means those works as defined in paragraph 2(m) of the Act from which air contaminants may be released or discharged into the air.

Non-application

3. These regulations shall not apply to

- (a) the owners and operators of combustion process equipment used for the purpose of comfort heating in a building using No. 2 oil at a rate of less than 1.5 million British Thermal Units per hour (440,000 watts);
- (b) the owners and operators of combustion process equipment used for the preparation of food in a domestic residence;
- (c) the owners and operators of commercial establishments having less than 1,000 cubic metres of space; and
- (d) the owners and operators of non-stationary sources of air contaminants.

Air quality standards

4. (1) For the purpose of attaining a high quality environment, the minister shall use the values prescribed in Schedule A for controlling the air quality.

(2) The amount of air contaminants in the atmosphere due to all sources shall not exceed the amounts established in Schedule A.

(3) The minister may, for the purpose of ensuring that the criteria prescribed in Schedule A are met, by order, specify the total allowable quantity of an air contaminant that may be emitted by a stationary source and the owner of the source upon whom such an order is served shall comply with the order within the time specified in the order.

(4) A person shall not discharge or release an air contaminant into the atmosphere except as permitted by the Schedules to these regulations.

Stationary source of air contamination

5. (1) Subject to section 4, the standards for concentrations of air contaminants from a stationary source at a point of impingement shall be those as prescribed in Schedule B.

(2) The amount of air contaminants in the atmosphere at the point of impingement measured or calculated in accordance with a

method approved by the minister shall not exceed the amounts established in Schedule B.

(3) For the purpose of enforcing these regulations a contaminant at a point of impingement shall be calculated in accordance with a method approved by the minister.

(4) A person shall not operate or cause to be operated a stationary source in a manner that does not comply with the standards prescribed in Schedule B.

Fluorides

6. Subject to section 4, the concentrations of fluorides in air contaminants, either gaseous or particulate, shall not be such as to cause the standards set in Schedule C to be exceeded.

Visible emissions

7. A visible emission chart shall be used by the department to determine the opacity of a visible emission.

Visible emission standards

8. (1) A person shall not cause or permit to be caused a visible emission having an opacity greater than density No. 1 on the visible emission chart referred to in section 7.

(2) Notwithstanding subsection (1), for a period of not more than 4 minutes in the aggregate in a half hour period, visible emission may have an opacity exceeding density No. 1 but not exceeding density No. 2 on the visible emission chart.

(3) Notwithstanding subsection (1), where a new fire is started in combustion process equipment, the visible emission may have an opacity not exceeding density No. 3 on the visible emission chart for a period not more than 3 minutes in the aggregate in a quarter hour period up to one hour after the new fire is started.

Notification of pollution potential

9. Where, at a stationary source which has the potential to pollute the air, a failure to operate in the normal manner or change in operating conditions occurs, or a shut-down of the source or part of it is made for some purpose resulting in the emission of air contaminants that may result in quantities or concentrations in excess of those allowed in sections 4, 5 and 8

(a) the owner or operator of the source shall

- (i) immediately notify a department official and furnish him or her with particulars of such failure, change or shutdown, and
 - (ii) furnish the department official with the particulars in writing, as soon as it is practicable, of such failure, change or shutdown; and
- (b) notwithstanding subsections 5(2) and (4) and section 8, the minister, where he or she considers it advisable, may authorize, in writing, the continuance of the operation for such period of time as he or she considers reasonable in circumstances and may impose upon the owner or operator the terms and conditions for such continued operation as he or she considers necessary in the circumstances.

Burning of materials in combustion process

10. (1) A person shall not burn or permit to be burned in a combustion process equipment fuel, waste or other material except the fuel, waste or other material for the burning of which the equipment is designed.

(2) A person shall not burn or permit to be burned in a combustion process equipment fuel, waste or other material at a greater rate than the rate for which the equipment is designed.

Burning in open fires

11. (1) A person shall not burn or permit to be burned material in an open fire that will cause or is likely to cause air pollution except with the permission and under the direction of a department official.

(2) Notwithstanding subsections 5(2) and (4) and section 8, subsection (1) does not apply to campfires and other open fires for recreational purposes and fires permitted by other federal, provincial or municipal laws and regulations when officials having jurisdiction under those laws and regulations require a fire to be started for the efficient performance of their duties in weed control, prevention of fire hazards or for the instruction in methods of firefighting.

Recording devices

12. (1) The minister may require the installation of devices or methods that are necessary to record the periods of operation of process, combustion or control equipment, the records from which shall be available to a department official.

(2) The minister may require the installation of such monitoring and recording devices as are necessary to measure and record concentrations of air contaminants at their source and points of impingement, the records and measurements from which shall be available to a department official.

Location of devices

13. All flow measurements, sampling and analyses performed in compliance with these regulations must be performed at locations and by devices and methods satisfactory to the department.

Performance testing facilities

14. If required by the minister, the owner or operator of new, extended or changed works shall provide the following performance testing facilities:

- (a) sampling ports adequate for test methods applicable to the works concerned;
- (b) safe sampling platforms;
- (c) safe access to sampling platforms; and
- (d) utilities for sampling and testing equipment.

Ministerial order and appeal

15. (1) Where the minister is satisfied that the emission of air contaminants from any source causes a condition which may adversely affect the health or impair the safety of a person or cause injury or damage to property, plant or animal life, he or she may, notwithstanding another provision of these regulations or anything contained in a permit or certificate of approval, order the persons responsible for the emission to take such action as is specified in the order to contain the danger or harm resulting from the emission or to restore the environment to a condition satisfactory to the minister within the time specified in the order.

(2) Where a person, upon whom an order is made under subsection (1), fails to comply with the order, the minister may cause the necessary work to be done and charge that person with the cost of it which may be recovered as a debt due to the Crown with costs in a court of competent jurisdiction.

(3) A person aggrieved by an action taken by the minister under subsection (1) or (2) may within 14 days from the date of the order appeal against the order to a judge of the Trial Division by filing a no-

tice of appeal in the office of the Registrar of the Supreme Court and by serving a copy of the notice of appeal on the minister.

(4) Notwithstanding a rule or practice to the contrary, the notice of appeal shall

- (a) set out in detail the allegations of the appellant and the grounds upon which the order is appealed against; and
- (b) be signed by the appellant or his or her solicitor.

(5) The appellant shall, within 14 days after service of the notice of appeal under this section, apply to the judge for the appointment of a day for the hearing of the appeal and shall, not less than 14 days before the hearing, serve upon the deputy minister a written notice of the day appointed for the hearing.

(6) The judge shall hear the appeal and the evidence adduced before him or her by the appellant and the Crown in a summary manner and shall decide the matter of the appeal by

- (a) upholding, amending or revoking the order after considering upon all matters submitted to him or her whether the works or operations did constitute a condition which did pollute or was likely to pollute the air, soil or a body of water; or
- (b) making such other decision which he or she considers to be proper in the circumstances and with power also to make orders as to costs for or against the appellant or the Crown and to fix the amount.

(7) An appeal may be taken from the decision of the judge to the Court of Appeal upon a point of law raised upon the hearing of the appeal and the rules governing appeals to that court from a decision of the judge of the Trial Division shall apply to appeals under this subsection.

(8) The filing of a notice of appeal under this section or the appeal itself shall not affect the order which shall remain in force pending the outcome of the appeal.

Repeal

16. The *Air Pollution Control Regulations, Consolidated Newfoundland and Labrador Regulation 957/96*, are repealed.

Schedule A

Criteria for Acceptable Air Quality

Table 1: Pollutants With Standards Using a 24 Hour Averaging Period

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Contaminant Code or CAS No.</i>	<i>Col. 3</i> <i>Unit of Concentration (1)</i>	<i>Col. 4</i> <i>24 Hour Air Quality Standard</i>	<i>Col. 5</i> <i>Additional Notes</i>
1.	Acetic Acid	64-19-7		2500	
2.	Acetone	67-64-1		48000	
3.	Acetophenone	98-86-2		850	
4.	Acetylene	74-86-2		56000	
5.	Acrolein	107-02-8		23.5	
6.	Acrylamide	79-06-1		15	
7.	Acrylonitrile	107-13-1		100	
8.	Alkyltoluene sulphonamide, n-			120	
9.	Aluminum oxide	7429-90-5		120	
10.	Ammonia	7664-41-7		3600	
11.	Ammonium chloride	12125-02-9		120	
12.	Amyl acetate, iso-			53200	
13.	Amyl acetate, n-			53200	
14.	Amyl acetate, secondary			66500	

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15.	Antimony	7440-36-0	Total micro-grams of anti-mony in free and combined form per cubic metre of air.	25	
16.	Arsenic	7440-38-2	Total micro-grams of arsenic in free and combined form per cubic metre of air.	0.3	
17.	Arsine	7784-42-1		5	
18.	Asbestos	1332-21-4		1.5	
19.	Barium - total water soluble	7440-39-3		10	
20.	Benzothiazole	95-16-9		70	
21.	Benzoyl chloride	98-88-4		125	
22.	Benzo (a) pyrene	50-32-8		0.0015	
23.	Beryllium	7440-41-7	Total micro-grams of beryllium in free and combined form per cubic metre of air.	0.01	
24.	Borax			33	
25.	Boric acid			33	

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26.	Boron	7440-42-8	Total micro-grams of boron in free and combined form per cubic metre of air.	120	
27.	Boron tribromide	10294-33-4		35	
28.	Boron trichloride	10294-34-5		35	
29.	Boron trifluoride	7637-07-2		2	
30.	Bromacil	314-40-9		10	
31.	Bromine	7726-95-6		20	
32.	Butanol, iso-	78-83-1		655	
33.	Butanol, n-	71-36-3		770	
34.	Butanol, tertiary	75-65-0		30300	
35.	Butyl acetate, n-	123-86-4		248	
36.	Butyl acrylate	141-32-2		120	
37.	Butyl stearate	123-95-5		120	
38.	Cadmium	7440-43-9	Total micro-grams of cadmium in free and combined form per cubic metre of air.	2	
39.	Calcium carbide	75-20-7		10	
40.	Calcium cyanide (as total salt)	592-01-8		120	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i> <i>(1)</i>	<i>Col. 4</i> <i>24 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
41.	Calcium hydroxide	1305-62-0		13.5	
42.	Calcium oxide	1305-78-8		10	
43.	Captan	133-06-2		25	
44.	Carbon black	1333-86-4		10	
45.	Carbon disulphide	75-15-0		330	
46.	Carbon tetrachlo- ride	56-23-5		600	
47.	Chloramben	133-90-4		120	
48.	Chlordane	57-74-9		5	
49.	Chlorine	7782-50-5		150	
50.	Chlorine dioxide	10049-04-4		30	
51.	Chloroform	67-66-3		500	
52.	Chromium di-, tri- and hexavalent forms	7440-47-3		1.5	
53.	Citric acid	77-92-9		120	
54.	Coal tar pitch volatiles-soluble fraction	8007-45-2		1	
55.	Cobalt	7440-48-4	Total micro- grams of cobalt in free and com- bined form per cubic metre of air.	0.1	

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56.	Copper	7440-50-8	Total micro-grams of copper in free and combined form per cubic metre of air.	50	
57.	Cresol (mixed isomers)	1319-77-3		75	
58.	Cyanogen chloride	506-77-4		12	
59.	Cyclo sol 63			5000	
60.	Cyclohexane	110-82-7		100000	
61.	Dalapon sodium salt	127-20-8		50	
62.	Decaborane	17702-41-9		25	
63.	Decene, 1-	872-05-9		60000	
64.	Detergent enzyme (Subtilisin)	1395-21-7		0.06	
65.	Diacetone alcohol	123-42-2		335	
66.	Diazinon	333-41-5		3	
67.	Diborane	19287-45-7		10	
68.	Dibutyl phthalate (DBP)	84-74-2		50	
69.	Dibutyltin dilaurate	77-58-7		30	
70.	Dicapryl phthalate	131-15-7		120	

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71.	Di-2-ethylhexyl phthalate (DEHP)	117-81-7		50	
72.	Diethyl phthalate (DEP)	84-66-2		125	
73.	Diethylene glycol monobutyl ether	112-34-5		65	
74.	Diethylene glycol monobutyl ether acetate	124-17-4		85	
75.	Diethylene glycol monethyl ether	111-90-0		273	
76.	Diethylene glycol monoethyl ether acetate	112-12-5		1800	
77.	Dihexyl phthalate (DHP)	84-75-3		50	
78.	Diisobutyl ketone	108-83-8		159	
79.	Dimethyl ether	115-10-6		2100	
80.	Dimethyl methyl-phosphonate	756-79-6		875	
81.	Dimethyl phthalate (DMP)	131-11-3		125	
82.	Dimethyl 1,3-diamino propane, N,N-	109-55-7		20	
83.	Dimethylaceta - mide, N, N-	127-19-5		300	

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84.	Diethyl phthalate	117-84-0		50	
85.	Dioxane	123-91-1		3500	
86.	Dioxolane	646-06—0		10	
87.	Diphenylamine	122-39-4		17.5	
88.	Diquat dibromide - respirable	85-00-7		0.032	
89.	Diquat dibromide - total in ambient air	85-00-7		0.16	
90.	Dodecyl benzene sulphonic acid	1886-81-3		120	
91.	Dodine	24391-00-3		10	
92.	Droperidol	548-73-2		1	
93.	Ethyl ether	60-29-7		30000	
94.	Ethyl-3-ethoxy propionate	763-69-9		50	
95.	Ethylanthraqui- none, 2-	84-51-5		10	
96.	Ethylene	74-85-1		40	
97.	Ethylene dichloride	10-76-2		400	
98.	Ethylene glycol	107-21-1		12700	
99.	Ethylene glycol butyl ether (Butyl cellosolve)	111-76-2		2400	

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100.	Ethylene glycol butyl ether acetate	1121-71-2		3250	
101.	Ethylene glycol dinitrate	628-96-6		3	
102.	Ethylene glycol ethyl ether (cello - solve)	110-80-5		380	
103.	Ethylene glycol ethyl ether acetate	111-15-9		540	
104.	Ethylene glycol monohexyl ether	112-25-4		2500	
105.	Ethylene oxide	75-21-8		5	
106.	Ethylenedi- aminetetraacetic acid	60-00-4		120	
107.	Fentanyl citrate	990-73-8		0.02	
108.	Ferric oxide	1309-37-1		25	
109.	Fluorinert 3M-FC- 70			120	
110.	Formic acid	64-18-6		500	
111.	Furfuryl alcohol	98-00-0		1000	
112.	Glutaraldehyde	111-30-8		14	
113.	Haloperidol	52-86-8		0.1	
114.	Hexachloro- cyclopentadiene	77-47-4		2	

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115.	Hexamethyl disilazane	999-97-3		2	
116.	Hexamethylene diisocyanate monomer	822-06-0		0.5	
117.	Hexamethylene diisocyanate trimer	4035-89-6		1	
118.	Hexane	110-54-3		12000	
119.	Hexylene glycol	107-41-5		12000	
120.	Hydrogen chloride	7647-01-0		40	
121.	Hydrogen cyanide	74-90-8		575	
122.	Hydrogen peroxide	7722-84-1		30	
123.	Iron - metallic	15438-31-0		4	
124.	Isobutyl acetate	110-19-0		412	
125.	Isopropyl acetate	108-21-4		500	
126.	Lead	7439-92-1	Total micro-grams of lead in free and combined form per cubic metre of air.	5	
127.	Lindane (Hexachlorocyclohexane)	58-89-9		5	

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128.	Lithium - other than hydrides	7439-93-2	Total micro-grams of lithium other than hydride compounds per cubic metre of air.	20	
129.	Lithium hydrides	7580-67-8		2.5	
130.	Magnesium oxide	1309-48-4		120	
131.	Malathion	121-75-5		120	
132.	Maleic anydride	108-31-6		30	
133.	Manganese compounds (as Mn) including permanganates	7439-96-5		2.5	
134.	Mercapto benzo thiazo disulphide	120-78-5		120	
135.	Mercury	7439-97-6	Total micro-grams of mercury in free and combined form per cubic metre of air.	2	
136.	Mercury (as Hg) alkyl compounds			0.5	
137.	Metaldehyde	108-62-3		120	
138.	Methacrylic acid	79-41-4		2000	
139.	Methane diphenyl diisocyanate	101-68-8		1	

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140.	Methanol (Methyl alcohol, wood alcohol)	67-56-1		28000	
141.	Methoxychlor	72-43-5		120	
142.	Methyl bromide	74-83-9		1350	
143.	Methyl chloride	74-87-3		7000	
144.	Methyl ethyl ketone peroxide	1338-23-4		80	
145.	Methyl isobutyl ketone	108-10-1		1200	
146.	Methyl methacrylate	80-62-6		860	
147.	Methyl salicylate	119-36-8		100	
148.	Methyl-2-hexanone, 5-	110-12-3		160	
149.	Methylal	109-87-5		6200	
150.	Methylcyclopentadienyl manganese tricarbonyl (MMT)	12108-13-3		10	
151.	Methylene chloride	75-09-2		1765	
152.	Methylene dianiline	107-77-9		10	
153.	Methylene-bis-2-chloroaniline, 4,4-	101-14-4		10	
154.	Methyl-n-amyl ketone	110-43-0		4600	

<i>Item</i>	<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>	<i>Col. 5</i>
	<i>Name of Contaminant</i>	<i>Contaminant Code or CAS No.</i>	<i>Unit of Concentration (1)</i>	<i>24 Hour Air Quality Standard</i>	<i>Addi- tional Notes</i>
155.	Miconazole nitrate			5	
156.	Milk powder			20	
157.	Mineral spirits			10000	
158.	Molybdenum	7439-98-7	Total micro-grams of molybdenum in free and combined form per cubic metre of air.	120	
159.	Monomethyl amine	74-89-5		25	
160.	Naphthalene	91-20-3		22.5	
161.	Naphthol, alpha-	90-15-3		100	
162.	Nickel	7440-02-0	Total micro-grams of nickel in free and combined form per cubic metre of air.	2	
163.	Nickel carbonyl	13463-39-3		0.5	
164.	Nitric acid	7697-37-2		35	
165.	Nitrilotriacetic acid	18662-53-8		120	
166.	Nitrogen oxides (as Nitrogen dioxide)	10102-44-0	Micrograms of nitrogen oxides per cubic metre of air, expressed as NO ₂ .	200	
167.	Nitroglycerin	55-63-0		3	

<i>Item</i>	<i>Col. 1 Name of Contaminant</i>	<i>Col. 2 Contaminant Code or CAS No.</i>	<i>Col. 3 Unit of Concentration (1)</i>	<i>Col. 4 24 Hour Air Quality Standard</i>	<i>Col. 5 Addi- tional Notes</i>
168.	Nitrous oxide	10024-97-2		9000	
169.	Octane	111-65-9		15300	
170.	Octene, 1-	25377-83-7		50000	
171.	Oxalic acid	144-62-7		25	
172.	Palladium -water soluble compounds	7657-10-1		10	
173.	Paraquat dichloride - respirable	1910-42-5		0.003	
174.	Paraquat dichloride - total in ambient air	1910-42-5		0.015	
175.	Particulate matter suspended (total)			120	
176.	Particulate matter (less than 10 mi- crons)			50	
177.	Particulate matter (Less than 2.5 mi- crons)			25	
178.	Penicillin	1406-05-9		0.1	
179.	Pentaborane	19624-22-7		1	
180.	Pentachlorophenol	87-86-5		20	
181.	Perchloroethylene	127-18-4		4000	
182.	Phenol	108-95-2		100	
183.	Phosgene	75-44-5		45	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i> <i>(1)</i>	<i>Col. 4</i> <i>24 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
184.	Phosphine	7803-51-2		10	
185.	Phosphoric acid (as P ₂ O ₅)	7664-38-2	Micograms of phosphoric ox- ides per cubic metre of air ex- pressed as P ₂ O ₅ .	120	
186.	Phosphorus oxy- chloride	10025-87-3		12	
187.	Phosphorus penta- chloride	10026-13-8		10	
188.	Phthalic anhydride	85-44-9		120	
189.	Pimozide	2062-78-4		1	
190.	Platinum - water soluble compounds	7440-06-4		0.2	
191.	Polybutene -1- sulphone			120	
192.	Polychlorinated biphenyls (PCBs)	1336-36-3		0.15	
193.	Polychloroprene	25267-15-6		500	
194.	Potassium cyanide	151-50-8		120	
195.	Potassium hy- droxide	1310-58-3		14	
196.	Potassium nitrate	7757-79-1		120	
197.	Propanol, iso- (Iso- propyl alcohol, Isopropanol)	67-63-0		24000	

<i>Item</i>	<i>Col. 1 Name of Contaminant</i>	<i>Col. 2 Contaminant Code or CAS No.</i>	<i>Col. 3 Unit of Concentration (1)</i>	<i>Col. 4 24 Hour Air Quality Standard</i>	<i>Col. 5 Addi- tional Notes</i>
198.	Propanol, n- (Propyl alcohol)	71-23-8		16000	
199.	Propionaldehyde	123-38-6		2.5	
200.	Propylene dichloride	78-87-5		2400	
201.	Propylene glycol	57-55-6		120	
202.	Propylene glycol methyl ether	107-98-2		30000	
203.	Propylene glycol monomethyl ether acetate	108-65-6		5000	
204.	Propylene oxide	75-56-9		4500	
205.	Pyridine	110-86-1		150	
206.	Selenium	7782-49-2		10	
207.	Silane	7803-62-5		150	
208.	Silica - respirable under 10 microns aerodynamic diameter			5	
209.	Silver	7440-22-4	Total micro-grams of silver in free and combined form per cubic metre of air.	1	
210.	Sodium bisulphite	7631-90-5		120	
211.	Sodium chlorate	7775-09-9		6	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i> <i>(1)</i>	<i>Col. 4</i> <i>24 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
212.	Sodium chlorite	7758-19-2		20	
213.	Sodium cyanide	143-33-9		120	
214.	Sodium hydroxide	1310-73-2		10	
215.	Stannous chloride (as Sn)			10	
216.	Strontium	7440-24-6	Total micro-grams of strontium in free and combined form per cubic metre of air.	120	
217.	Strontium carbonate	1633-05-2		120	
218.	Strontium hydroxide	18480-07-4		120	
219.	Strontium oxide	1314-11-0		120	
220.	Styrene	100-42-5		400	
221.	Sulphamic acid			120	
222.	Sulphur dioxide	7446-09-5		300	
223.	Sulphur hexafluoride	2551-62-4		600000	
224.	Sulphuric acid	7664-93-9		35	
225.	Talc - fibrous	14807-96-6		2	

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Contaminant Code or CAS No.</i>	<i>Col. 3</i> <i>Unit of Concentration (1)</i>	<i>Col. 4</i> <i>24 Hour Air Quality Standard</i>	<i>Col. 5</i> <i>Additional Notes</i>
226.	Tellurium - excluding hydrogen telluride	13494-80-9	Total micrograms of tellurium other than hydrogen and telluride per cubic metre of air total.	10	
227.	Tetrabutylurea			10	
228.	Tetrahydrofuran	109-99-9		93000	
229.	Tetramethyl thiuram disulphide			10	
230.	Thiourea	62-56-6		20	
231.	Tin	7440-31-5	Total micrograms of tin in free and combined form per cubic metre of air.	10	
232.	Titanium	7440-32-6	Total micrograms of titanium in free and combined form per cubic metre of air.	120	
233.	Tolmetin sodium			5	
234.	Toluene	108-88-3		2000	
235.	Toluene diisocyanate	584-84-9		0.5	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i> <i>(1)</i>	<i>Col. 4</i> <i>24 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
236.	Trichlorobenzene, 1,2,4-	120-82-1		400	
237.	Trichloroethane, 1,1,1-(Methylchloroform)	71-55-6		115000	
238.	Trichloroethylene	79-01-06		28000	
239.	Trimethylbenzene, 1,2,4-	2551-13-7		1000	
240.	Trimethylol propane	77-9976		1250	
241.	Tripropyltin methacrylate			1	
242.	Vanadium	7440-62-2	Total micrograms of vanadium in free and combined form per cubic metre of air.	2	
243.	Vinyl chloride	75-01-4		1	
244.	Vinylidene chloride (1,1-Dichlorethene)	75-35-4		35	
245.	Warfarin	81-81-2		10	
256.	Whey powder			120	
247.	Xylenes	1330-20-7		2300	
248.	Zinc	7440-66-6		120	

<i>Item</i>	<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>	<i>Col. 5</i>
	<i>Name of Contaminant</i>	<i>Contaminant Code or CAS No.</i>	<i>Unit of Concentration (1)</i>	<i>24 Hour Air Quality Standard</i>	<i>Addi- tional Notes</i>
249.	Zinc chloride		Total micro-grams of zinc chloride in free and combined form per cubic metre of air.	10	

Table 2: Pollutants with Standards Using One Year Averaging Periods

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i>	<i>Col. 4</i> <i>Annual</i> <i>Ave. Air</i> <i>Quality</i> <i>Stand. (4)</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
1.	Benzo(a)pyrene	50-32-8		0.0003	
2.	Coal tar pitch volatiles (soluble fraction)	8007-45-2		0.2	
3.	Particulate matter - total suspended			60	(3)
4.	Polychlorinated biphenyls	1336-36-3		.035	
5.	Polychlorinated dibenzo-p-dioxins (PCDDs) & poly- chlorinated diben- zofurans (PCDFs) (TEQ)			0.000005	(2)
6.	Sulphur dioxide	7446-09-5		60	
7.	Vinyl Chloride	75-01-4		0.2	

Table 3: Pollutants with Standards Using One Hour Averaging Periods

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i>	<i>Col. 4</i> <i>1 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
1.	Acetophenone	98-86-2		1167	
2.	Biphenyl	92-52-4		60	
3.	Butanol, n-	71-36-3		15000	
4.	Butanone, 2- (Methyl ethyl ke- tone)	78-93-3		31000	
5.	Butyl acetate, n-	123-86-4		605	
6.	Carbon monoxide	630-08-0		36200	
7.	Chlorobenzene	108-90-7		3500	
8.	Citric acid	77-92-9		300	
9.	Decane, n-	124-18-5		60000	
10.	Dibutyl amine	111-92-2		2645	
11.	Dichlorobenzene, ortho-	95-50-1		30500	
12.	Diethyl amine	109-89-7		2910	
13.	Di-isobutyl ketone	108-83-8		649	
14.	Dimethyl amine	124-40-3		1840	
15.	Dimethyl disul- phide	624-92-0		40	
16.	Dimethyl sulphide	75-18-3		30	
17.	Ethanol	64-17-5		19000	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i>	<i>Col. 4</i> <i>1 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
18.	Ethyl acetate	141-78-6		19000	
19.	Ethyl acrylate	140-88-5		4.5	
20.	Ethyl benzene	100-41-4		4000	
21.	Ethyl hexanol, 2-	104-76-7		600	
22.	Formaldehyde	50-00-0		65	
23.	Furfural	98-01-1		1000	
24.	Glutaraldehyde	111-30-8		35	
25.	Hydrogen bromide	10035-10-6		668	
26.	Hydrogen sulphide	7783-06-4		30	
27.	Isopropyl benzene	98-82-8		100	
28.	Mercaptans (as Methyl mercaptan)	74-93-1	Micrograms of mercaptans per cubic metre or air expressed as methyl mercap- tan.	20	
29.	Methyl acrylate	96-33-3		4	
30.	Methyl ethyl ke- tone peroxide	1338-23-4		200	
31.	Methyl-2- pyrrolidone, N-	872-50-4		40000	
32.	Nitrogen oxides (as Nitrogen dioxide)	10102-44-0	Micrograms of nitrogen oxides per cubic metre of air expressed as nitrogen di- oxide.	400	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i>	<i>Col. 4</i> <i>1 Hour</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
33.	Oleic acid	112-80-1		5	
34.	Ozone	10028-15-6		160	
35.	Propionic acid	79-09-4		100	
36.	Propionic anhy- dride (as Propionic acid)	123-62-6	Micrograms of propionic anhy- dride per cubic metre of air ex- pressed as propi- onic acid.	100	
37.	Reduced sulphur compounds (as Hydrogen sul- phide)		Micrograms of reduced sulphur compounds per cubic metre of air expressed as hydrogen sul- phide.	100	
38.	Sulphur dioxide	7446-09-5		900	
39.	Trimethyl amine	75-50-34		0.5	

Table 4: Pollutants with Standards Using Ten Minute Averaging Periods

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i>	<i>Col. 4</i> <i>10 Min.</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
1.	Butanol, iso	78-83-1		2640	
2.	Butanol, n-	71-36-3		3100	
3.	Butyl acetate, n-	123-86-4		1000	
4.	Diacetone alcohol	123-42-2		1350	
5.	Diethylene glycol monoethyl ether	111-90-0		1100	
6.	Ethyl-3-ethoxy propionate	763-69-9		200	
7.	Ethylene glycol butyl ether (Butyl cellosolve)	111-76-2		500	
8.	Ethylene glycol butyl ether acetate	1121-71-2		700	
9.	Ethylene glycol ethyl (Cellosolve)	100-80-5		1100	
10.	Ethylene glycol ethyl ether acetate	111-15-9		300	
11.	Isobutyl acetate	110-19-0		1660	
12.	Isopropyl acetate	108-21-4		2000	
13.	Methyl-2- hexanone, 5-	110-12-3		630	
14.	Monochloroben-	108-90-7		4500	

<i>Item</i>	<i>Col. 1</i> <i>Name of</i> <i>Contaminant</i>	<i>Col. 2</i> <i>Contaminant</i> <i>Code or</i> <i>CAS No.</i>	<i>Col. 3</i> <i>Unit of</i> <i>Concentration</i>	<i>Col. 4</i> <i>10 Min.</i> <i>Air</i> <i>Quality</i> <i>Standard</i>	<i>Col. 5</i> <i>Addi-</i> <i>tional</i> <i>Notes</i>
	zene				
15.	Naphthalene	91-20-3		50	
16.	Octane	111-65-9		61800	
17.	Propionaldehyde	123-38-6		10	
18.	Propylene glycol methyl ether	107-98-2		121000	
19.	Pyridine	110-86-1		80	
20.	Reduced Sulphur Compounds		Micrograms of reduced sulphur compounds per cubic metre of air expressed as hydrogen sulphide.	30	

Table 5: Pollutants With Standards Using Unusual Averaging Periods or Units of Measure

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Contaminant Code or CAS No.</i>	<i>Col. 3</i> <i>Unit of Concentration</i>	<i>Col. 4</i> <i>Air Quality Standard</i>	<i>Col. 5</i> <i>Additional Notes</i>
1.	Asbestos (fibres 5 microns in length)	1332-21-4	Asbestos fibres greater than 5 micro metres in length per cubic centimetre of air.	0.04	
2.	Carbon monoxide (8 hr averaging period)	630-08-0		15700	
3.	Dustfall (30 d averaging period)		Grams of dustfall per square metre.	7	
4.	Dustfall (annual averaging period)		Grams of dustfall per square metre.	4.6	
5.	Lead (30 d averaging period)	7439-92-1	Total micro-grams of lead in free and combined form per cubic metre of air	3	
6.	Lead (30 d averaging period, geometric mean)	7439-92-1	Total micro-grams of lead in free and combined form per cubic metre of air.	2	3

<i>Item</i>	<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>	<i>Col. 5</i>
	<i>Name of Contaminant</i>	<i>Contaminant Code or CAS No.</i>	<i>Unit of Concentration</i>	<i>Air Quality Standard</i>	<i>Additional Notes</i>
7.	Lead in dustfall	7439-92-1	Total micrograms of lead in free and combined form per square centimetre.	0.1 g/m ²	
8.	Polychlorinated dibenzo-p-dioxin (PCDDs) and polychlorinated dibenzofurans (PCDF) (TEQ) 72 hr. average period			0.00002	2

(1) Unit of concentration is micrograms of the contaminant in Column 1, per cubic metre of air, unless otherwise noted.

(2) The TEQ concentration of PCDDs and PCDFs is determined by multiplying the concentration of each congener listed in Column I by the corresponding toxicity factor set out in Column II of that item and by adding the products of them.

Toxicity Factors

<i>Item</i>	<i>Col. I</i>	<i>Col. II</i>
	<i>Congener</i>	<i>Toxicity</i>
	2,3,7,8-substituted PCDD	
1.	2,3,7,8-T4CDD	1.0
2.	1,2,3,7,8-P5CDD	0.5
3.	1,2,3,4,7,8-H6CDD	0.1
4.	1,2,3,6,7,8-H6CDD	0.1

5.	1,2,3,7,8,9-H6CDD	0.1
6.	1,2,3,4,6,7,8-H7CDD	0.01
7.	08CDD	0.001
	2,3,7,8-substituted PCDF	
8.	2,3,7,8-T4DCF	0.1
9.	1,2,3,7,8-P5CDF	0.05
10.	2,3,4,7,8-P5CDF	0.5
11.	1,2,3,4,7,8-H6CDF	0.1
12.	1,2,3,6,7,8-H6CDF	0.1
13.	1,2,3,7,8,9-H6CDF	0.1
14.	2,3,4,6,7,8-H6CDF	0.1
15.	1,2,3,4,6,7,8-H7CDF	0.01
16.	1,2,3,4,7,8,9-H7CDF	0.01
17.	08CDF	0.001

(3) This volume is a geometric mean for the relevant averaging period.

(4) All averages are arithmetic means unless otherwise noted.

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Schedule B

Standards for Emitted Contaminants

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
1.	Acetic Acid		2100
2.	Acetylene		46000
3.	Acetone		40000
4.	Acrylamide		37
5.	Ammonia		3000
6.	Antimony	Total micrograms of anti-mony in free and combined form per cubic metre of air.	62
7.	Arsine		8
8.	Beryllium	Total micrograms of beryllium in free and combined form per cubic metre of air.	0.02
9.	Boron Tri-bromide		80
10.	Boron Tri-chloride		80
11.	Boron Tri-fluoride		4
12.	Boron	Total micrograms of boron in free and combined form per cubic metre of air.	80

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
13.	Bromine		60
14.	Cadmium	Total micrograms of cadmium in free and combined form per cubic metre of air.	4
15.	Calcium hydroxide		22
16.	Calcium Oxide		16
17.	Carbon Black		21
18.	Carbon Disulphide		270
19.	Carbon Monoxide		5000
20.	Chlorine		250
21.	Chlorine Dioxide		70
22.	Copper	Total micrograms of copper in free and combined form per cubic metre of air.	80
23.	Cresols		190
24.	Decaborane		40
25.	Diborane		16
26.	Dicapryl Phthalate		80
27.	Dimethyl Disulphide		33

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
28.	Dimethyl Sulphide		25
29.	Dioctyl Phthalate		80
30.	Dustfall	Micrograms per square metre.	7000
31.	Ethyl Acetate		16000
32.	Ethyl Acrylate		3.7
33.	Ethyl Benzene		3300
34.	Ferric Oxide		62
35.	Fluorides, (Gaseous) (April 15 to October 15)	Micrograms of gaseous, inorganic fluoride per cubic metre of air expressed as hydrogen fluoride.	4
36.	Fluorides, (Total) (April 15 to October 15)	Total micrograms of inorganic fluoride per cubic metre of air expressed as hydrogen fluoride.	7
37.	Fluorides, (Total) (October 16 to April 14)	Total micrograms of inorganic fluoride per cubic metre of air expressed as hydrogen fluoride.	14
38.	Formaldehyde		54
39.	Formic Acid		1200
40.	Furfural		800

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
41.	Furfuryl Alcohol		2500
42.	Hydrogen Chloride		80
43.	Hydrogen Cyanide		950
44.	Hydrogen sulphide		25
45.	Iron (metallic)		8
46.	Lead	Total micrograms of lead in free or combined form per cubic metre of air.	8
47.	Lithium Hydrides	Total micrograms of lithium hydrides per cubic metre of air.	6.2
48.	Lithium	Total micrograms of lithium in other than hydride compounds per cubic metre of air.	50
49.	Magnesium Oxide	Total micrograms of magnesium oxide per cubic metre of air.	80
50.	Mercaptans	Total micrograms of mercaptans per cubic metre of air expressed as methyl mercaptans.	16

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
51.	Mercury (alkyl)	Total micrograms of alkyl mercury compounds per cubic metre of air.	1.2
52.	Mercury	Total micrograms of mercury in free and combined form per cubic metre of air.	4
53.	Methyl Acrylate		3.3
54.	Methyl Alcohol		69000
55.	Methyl Chloroform (1,1,1-Trichloroethane)		288000
56.	Methyl Ethyl Ketone (2-Butanone)		26000
57.	Methyl Methacrylate		710
58.	Milk Powder		16
59.	Monomethyl Amine		21
60.	Nickel	Total micrograms of nickel in free and combined form per cubic metre of air.	4
61.	Nickel Carbonyl		1.2
62.	Nitic Acid		80

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
63.	Nitrilotriacetic Acid		80
64.	Nitrogen Oxides	Micrograms of nitrogen oxides per cubic metre of air expressed as NO ₂	400
65.	Ozone		160
66.	Pentaborane		2.5
67.	Phenol		80
68.	Phosgene		110
69.	Phosphoric Acids	Micrograms of phosphoric acids per cubic metre of air expressed as P ₂ O ₅ .	80
70.	Phthalic Anhydride		80
71.	Propylene Dichloride		2000
72.	Silver	Total micrograms of silver in free and combined form per cubic metre of air.	2.5
73.	Styrene		330
74.	Sulphur Dioxide		680
75.	Sulphuric Acid		80

<i>Item</i>	<i>Col. 1</i> <i>Name of Contaminant</i>	<i>Col. 2</i> <i>Unit of Concentration (1)</i>	<i>Col. 3</i> <i>Concentration at Point of Impingement – 1 hour average</i>
76.	Suspended Particulate Matter (particulates less than 44 microns in size)	Total micrograms of suspended particulate matter per cubic metre of air.	80
77.	Tellurium (except hydrogen telluride)		25
78.	Tetrahydrofuran		77000
79.	Tin	Total micrograms of tin in free and combined form per cubic metre of air.	25
80.	Titanium	Total micrograms of titanium in free and combined form per cubic metre of air.	80
81.	Toluene		1600
82.	Toluene Diisocyanate		0.8
83.	Trichloroethylene		70000
84.	Vanadium	Total micrograms of vanadium in free and combined form per cubic metre of air.	4.1
85.	Xylenes		1900

<i>Item</i>	<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>
	<i>Name of Contaminant</i>	<i>Unit of Concentration (1)</i>	<i>Concentration at Point of Impingement – 1 hour average</i>
86.	Zinc	Total micrograms of zinc in free and combined form per cubic metre of air.	80

(1) Unit of concentration is micrograms of the contaminant in Column 1, per cubic metre of air, unless otherwise noted.

Schedule C

Fluoride Vegetation Standards

1. Forage

- (a) Running averages of monthly samples collected through the growing season, May to November inclusive, of forage or hay or silage grown in the area as feed must not exceed 35 micrograms fluoride per gram dry tissue in unwashed samples.
- (b) The average of 2 consecutive months samples of forage or hay or silage grown in the area as feed must not exceed 60 micrograms fluoride per gram dry tissue in unwashed samples.
- (c) A monthly sample of forage or hay or silage grown in the area as feed must not exceed 80 micrograms fluoride per gram dry tissue in unwashed samples.
- (d) Cut forage, to be fed to livestock for a period exceeding 30 days must not exceed 35 micrograms fluoride per gram dry tissue in unwashed samples.

2. Deciduous Trees. Fully expanded functional leaves of Alder trees, *Alnus crispa* or *Alnus rugosa*, sampled in September of each year, must not exceed 130 micrograms fluoride per gram dry tissue in washed sample.

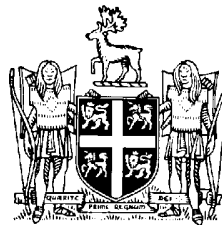
3. Conifers. Buds or needles from balsam fir, *Abies balsamea*, must not exceed 45 micrograms fluoride per gram dry tissue in washed samples for the current growth season and must not exceed 75 micrograms fluoride per gram dry tissue in washed samples for the previous growth season. Sampling is to take place during May and September of each year.

4. Grasses and Sedges. Grasses and sedges not subject to browsing, grazing or harvest for use in feeds or food must not exceed 60 micrograms fluoride per gram dry tissue in washed samples.

5. Sampling Areas. Samples shall be collected from plots, approved by the department, that are representative of the areas of maximum impact from fluoride emitting sources. These areas should be clearly marked and designated. In the case of deciduous and conifer trees and grasses and sedges, all plots shall be outside the property line of the emitting source. In the case of forage crops, plots may be designated within the property line of the emitting source.

6. Sample Collection. Leaves and needles from exposed trees shall be collected from the side of each tree exposed to the emitting source and at a height sufficient to minimize obstruction from surrounding vegetation. Each sample shall be a composite of a minimum of 5 clippings from a minimum of 5 trees in each sampling plot. In the case of forage or grasses and sedges, the sample shall consist of a minimum of 15 clippings from a random path through the whole plot. Methods for measuring the fluoride content of any plant tissue shall be by suitable methods approved by the department.

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NEWFOUNDLAND AND LABRADOR REGULATION 57/03

Pesticides Control Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-224)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

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| 2. Definitions | 10. Anti-backflow device |
| 3. Licences | 11. Storage apart from food and drink |
| 4. Operator's licence | 12. Disposal of containers |
| 5. Applicator licence categories | 13. Storage area |
| 6. Unlicensed assistants | 14. Insurance requirement |
| 7. Vendor's licence | 15. Repeal |
| 8. Purchase of pesticides | |

Short title
Definitions

1. These regulations may be cited as the *Pesticides Control Regulations, 2003*.

2. In these regulations

- (a) "Act" means the *Environmental Protection Act*;
- (b) "agricultural class pesticide" means a class of commercial or restricted class pesticide registered for agricultural use;
- (c) "approved examination" means an examination, approved by the minister, that verifies that an applicator or vendor has met the knowledge requirements of these regulations;
- (d) "certificate" means a document issued to a person upon successful completion of an approved examination;
- (e) "certification" means the recognition by the minister that a person has met the knowledge requirements of these regulations to use or sell pesticides;
- (f) "certification category" means a pest management activity for which a person may be certified under these regulations;
- (g) "certified applicator" means a person who has obtained a certificate for applying pesticides, which is recognized by the minister;
- (h) "certified vendor or dispenser" means a person who has obtained a certificate for selling pesticides, which is recognized by the minister;
- (i) "commercial applicator" means a certified applicator who uses or supervises the use of a pesticide for compensation, not including services in kind;
- (j) "commercial pesticides" means pesticides classified and labelled as "commercial" under the *Pest Control Products Regulations* made under *The Pest Control Products Act* (Canada), and includes agricultural, commercial, industrial and forestry class pesticides;

- (k) "consumer" means a person who obtains a pesticide for the purpose of applying that pesticide to control a pest and not for resale or retransfer;
- (l) "domestic pesticide" means a pesticide classified and labelled as "domestic" under the *Pest Control Products Regulations* made under *The Pest Control Products Act* (Canada);
- (m) "licence" means a document issued by the minister authorizing the person to whom it is issued to carry on the business of selling or applying pesticides;
- (n) "permit" means a document in writing issued to a person authorizing the use of a specific quantity of a named pesticide at a specific location or site for a specific purpose and time as set out in the permit;
- (o) "pest" means an injurious, noxious or troublesome insect, fungus, bacterial organism, virus, weed, rodent or other plant or animal pest, and includes an injurious, noxious or troublesome organic function of a plant or animal;
- (p) "pesticide operator" means an entity that operates a business or provides a service involving the use or application of a pesticide or who for hire or reward applies or offers to apply a pesticide;
- (q) "pesticide use" means an activity involving a pesticide after the manufacturer's seal has been broken, and includes transporting, storing and handling a pesticide;
- (r) "private applicator" means an applicator who uses a pesticide on property owned, leased or rented by him or her or his or her employer, or on the property of another person where used or applied without compensation other than services in kind;
- (s) "restricted pesticide" means pesticide classified and labelled as "restricted" under the *Pest Control Products Regulations* made under *The Pest Control Products Act* (Canada);
- (t) "retailer pesticide sale" means a sale made to a consumer;

- (u) "vendor" means a person licensed to sell pesticides under the terms and conditions contained in the licence; and
- (v) "wholesaler pesticide sale" means a sale made to another vendor.

Licences

3. (1) A licence shall entitle the holder to conduct those activities specified in the licence class for which the licence is issued.

(2) A licence is valid from the date of issue and expires when

- (a) it is stipulated in the licence; or
- (b) the licence is suspended or cancelled under the Act or these regulations.

(3) A licence is not transferable.

Operator's licence

4. (1) A pesticide operator shall obtain an operator's licence to undertake an operation designed to use a pesticide to control a pest.

(2) An operator's licence shall entitle the holder to

- (a) engage a licensed pesticide applicator to conduct an operation involving the use of a pesticide to control a pest; or
- (b) buy, transport, store or dispose of a pesticide in accordance with the provisions of the Act and these regulations.

(3) A licensed operator shall ensure that the protective clothing and equipment identified in the instructions of the pesticide label or by the minister or a person designated by the minister is provided and is used by a licensed pesticide applicator or an unlicensed assistant as defined in section 6 engaged in the use, handling or disposal of a pesticide.

(4) An application for an operator's licence shall be made in a form required by the minister.

(5) Notwithstanding subsection (4), the minister, or a person designated by the minister, may require an applicant for an operator's licence to supply the information as is considered necessary with respect to the operations intended by the applicant.

(6) The minister or a person designated by the minister may require the holder of an operator's licence to submit a summary of his or her operations at a time and in a form that the minister may determine.

(7) A summary referred to in subsection (6) shall be submitted before a succeeding licence application can be processed.

(8) The minister or a person designated by the minister may direct that a licence be subject to specified provisions or conditions which shall be indicated on that licence and the holder of an operator's licence shall abide by provisions or conditions indicated on that licence.

(9) Notwithstanding subsection (1), a person undertaking a program involving

- (a) a domestic pesticide;
- (b) an agricultural class pesticide to be used on his or her own property; or
- (c) a commercial or industrial class pesticide designated for the following uses:
 - (i) bactericides used in cutting oils and aviation and marine fuels,
 - (ii) cleansers, deodorizers, disinfectants and soaps,
 - (iii) dust control agents,
 - (iv) fabric softeners,
 - (v) chemical formulations intended as bactericides or algacides for use in swimming pools, domestic water supplies, industrial cooling systems, home aquaria or ornamental pools,
 - (vi) surfactants, preservatives, adjuvants and growth regulators

is exempt from the requirement for an operator's licence.

(10) Notwithstanding subsection (3), the *Occupational Health and Safety Act* and *Occupational Health and Safety Regulations* shall be adhered to where applicable.

Applicator licence
categories

5. (1) There is established for the purpose of applying pesticides the following applicator licence categories:

(a) an agriculture licence for the use of pesticides by ground application

(i) for the production of agricultural products, including berries, grains, forage crops, grapes, seed crops, ornamentals, tree seedlings, tree fruits, vegetables in fields, orchards or shelter belts, pastures and rangelands,

(ii) for the control of noxious weeds, birds and rodents,

(iii) for aquatic weed control in dugouts with no outflow,

(iv) on Christmas tree plantations,

(v) to control livestock and poultry pests,

(vi) for on-farm seed treatment,

(vii) for soil fumigation, except methyl bromide,

(viii) for pest control around farm buildings associated with crop and livestock production, and

(ix) excluding pesticide use in greenhouses or commercial seed treatments;

(b) an aquatic licence for the use of herbicides by ground application

(i) for the control of aquatic pests, excluding mosquito and biting fly control, in standing or running water or in areas left exposed during periods of low water, and

(ii) for herbicide applications in lakes, rivers, irrigation canals, ditches and dugouts;

- (c) a forestry licence for the use of pesticides by ground application
 - (i) in forest management operations including site preparation, brushing, conifer release, thinning, insect control, disease control and vertebrate control, and
 - (ii) in forest seed orchards, outdoor nurseries and plantations;
- (d) a greenhouse licence for the use of pesticides in greenhouses and mushroom houses
 - (i) during the storage, display and production of agricultural crops including vegetables, mushrooms and ornamentals as well as forest tree seedlings, and
 - (ii) and otherwise, for fumigation, except methyl bromide, and for associated pesticide use on areas immediately surrounding greenhouses;
- (e) an industrial vegetation licence for the use of herbicides by ground application
 - (i) for controlling weeds on industrial areas including roadsides, powerlines, pipelines, rights-of-way, railways, well sites, equipment yards, dams, dykes and non-crop land,
 - (ii) to parking lots, sidewalk cracks and road beds during road construction, and
 - (iii) to control designated noxious weeds on private and public lands;
- (f) a landscape licence for the use of pesticides by ground application
 - (i) for the maintenance of ornamental trees, shrubs, flowers and turf on outdoor residential, commercial and public land, including golf courses and cemeteries, and

- (ii) in outdoor nurseries for the propagation of landscape and garden plants;
- (g) a mosquito and biting fly licence for the use of insecticides by ground application for the control of mosquito or biting fly larvae or adults;
- (h) a fumigation licence for the use of fumigants that are gases at room temperature
 - (i) for soil fumigation, within enclosed structures or under sheets, and
 - (ii) for fumigation in grain bins and elevators, buildings, rail cars, trucks and closed vaults;
- (i) a structural licence for the use of pesticides other than herbicides or fumigants
 - (i) inside a structure or on the exterior surface of a structure, excluding plant pests in greenhouses, and
 - (ii) including rodenticide use on public or private land; and
- (j) an aerial licence for the use of pesticides applied by aircraft onto forest land, non-agricultural land such as for industrial vegetation control, bodies of water for mosquito and biting fly control and agricultural land.

(2) The minister or a person designated by the minister may require an applicant for a licence or the renewal of a licence to show, upon examination at a specified time and location, that he or she possesses adequate knowledge concerning the proper and safe use, application, handling, storage and disposal of a pesticide to be used in a particular applicator licence class.

(3) A person who applies for an applicator's licence or for the renewal of an applicator's licence shall possess a certificate which indicates that the applicator or a person employed by the applicator, has passed the required examination on the safe storage, use, application, handling or disposal of pesticides set by the minister.

(4) Subsection (3) shall come into force with respect to an agriculture licence under paragraph (1)(a) on January 1, 1997.

(5) An application for an applicator's licence shall be made in the form required by the minister.

(6) Notwithstanding subsection (1), a person applying

(a) a domestic pesticide;

(b) agricultural class pesticides that the minister shall designate

(i) as pesticides for use in animal care which are ready-to-use products for ectoparasite control, and

(ii) pesticides for use in animal care which are intended for use on the animal as a surface insect control product; or

(c) a commercial class or industrial class pesticide designated for the following uses

(i) bactericides used in cutting oils and aviation and marine fuels,

(ii) cleansers, deodorizers, disinfectants and soaps,

(iii) dust control agents,

(iv) fabric softeners,

(v) chemical formulations intended as bactericides or algacides for use in swimming pools, domestic water supplies, industrial cooling systems, home aquaria or ornamental pools,

(vi) surfactants, preservatives, adjuvants and growth regulators

is exempt from the requirement for an applicator's licence.

Unlicensed assistants

6. A pesticide applicator or a pesticide operator shall, with respect to an unlicensed person employed by, contracted to or under the control of that applicator or operator,

- (a) ensure that that person, when carrying out activities under the Act or regulations, is under his or her direct supervision and control; and
- (b) be responsible for the actions and conduct of that person with respect to anything required to be carried out in accordance with the Act or regulations.

Vendor's licence

7. (1) A person who desires to sell or distribute a pesticide shall possess a vendor's licence.

(2) A pesticide vendor shall not make a retail sale of a commercial or restricted class pesticide to a person who does not possess an operator's licence under this Act, unless the pesticide to be sold is designated on the label for agricultural use.

(3) A pesticide vendor shall not make a retail sale of a highly toxic pesticide as described in section 8 to a person who does not possess a permit to apply the highly toxic pesticide to be sold.

(4) Pesticide vendors are exempt from the requirement for a vendor's licence in respect to the sale of domestic pesticides and a commercial class or industrial class pesticide designated for the following purposes:

- (a) bactericides used in cutting oils and aviation and marine fuels;
- (b) cleansers, deodorizers, disinfectants and soaps;
- (c) dust control agents;
- (d) fabric softeners;
- (e) chemical formulations intended as bactericides or algacides for use in swimming pools, domestic water supplies, industrial cooling systems, home aquaria or ornamental pools; and
- (f) surfactants, preservatives, adjuvants and growth regulators.

(5) A person desiring a vendor's licence shall apply to the minister or a person designated by the minister for the licence.

(6) The minister, or a person designated by the minister may require a person who applies for a licence under this section to show upon examination at a specified time and location that he or she possesses adequate knowledge of the application, handling, storage, disposal and proper and safe use of the pesticides which he or she intends to sell.

(7) The minister, or a person designated by the minister may require a person who applies for a licence under this section to complete the courses of training respecting the storage, use, application, handling or disposal of pesticides that are considered necessary.

(8) An application for a vendor's licence shall be made in a form required by the minister.

(9) A wholesale pesticide vendor shall keep in a form and manner required by the minister, a record of each

(a) sale of commercial or restricted class pesticides; and

(b) purchase of commercial or restricted class pesticides.

(10) A retail pesticide vendor shall keep in a form and manner required by the minister a record of each

(a) sale of a commercial or restricted class pesticide; and

(b) purchase of commercial or restricted class pesticides.

Purchase of pesticides

8. (1) A person shall not have in his or her possession a commercial or restricted pesticide which has been purchased or obtained from anyone other than a licensed pesticide vendor.

(2) A vendor may not sell a commercial or restricted pesticide to anyone other than a licensed operator.

(3) Notwithstanding subsection (1), a commercial or restricted pesticide may be purchased from a vendor located outside the province and who is unlicensed, if the licensed operator obtains a permit for such a purchase from the minister or a person designated by the minister.

(4) An application for a permit to buy pesticides from an unlicensed vendor shall be made in the form required by the minister.

(5) Notwithstanding subsections (1), (2) and 7(2), a vendor may sell a commercial or restricted pesticide to an unlicensed operator if the pesticide sold is designated on the label for agricultural use and the purchaser is a licensed applicator with an agricultural designator and if the vendor maintains records of the sales in the manner and form required by the minister.

Handling, storage,
transporting and
application of
pesticides

9. Where directed by the minister or a person designated by the minister a pesticide operator shall publish warning notices or erect warning notices or erect warning signs in accordance with that direction.

Anti-backflow
device

10. Water from an open body of water shall not be introduced by any means into a sprayer, container or other equipment of whatsoever kind unless such sprayer, container or other equipment is fitted with a device which prevents backflow.

Storage apart from
food and drink

11. (1) Subject to sections 38 and 42 of the Act, a pesticide or material mixed or treated with a pesticide or a container that holds or has been used to hold a pesticide shall be kept and stored separately from food and drink destined for human or animal consumption and from living plants by

- (a) being kept in a separate room;
- (b) being separated from the nearest food, drink and plants by a direct distance of not less than 8 metres; or
- (c) other methods otherwise satisfactory under the order of an inspector in section 99 of the Act.

(2) Subject to sections 38 and 42 of the Act, a pesticide or material mixed or treated with a pesticide or a container that holds or has been used to hold a pesticide shall be transported separately from

- (a) food and drink destined for human consumption;
- (b) food and drink destined for animal consumption; or
- (c) living plants

by being kept in a vapour-proof container, packaged separately in a rigid box or otherwise in such manner as to prevent contamination, damage or injury.

(3) All seed grain treated with a pesticide shall be transported in sacks or other sealed containers or if transported in bulk shall be securely covered by tarpaulin or similar cover to prevent spillage during transport.

(4) Every person who sells, supplies or distributes seed grain or other seed crops or propagation material treated with a pesticide shall label all containers "TREATED WITH (name of pesticide). DO NOT USE FOR FOOD OR FEED."

(5) Paragraphs (1)(a) and (b) shall not apply to a domestic pesticide.

Disposal of containers

12. A container that is used to hold a pesticide shall be disposed of

- (a) in the manner recommended by the manufacturer as stated on the pesticide label; or
- (b) by decontaminating and rendering it unsuitable for use as a container in a manner identified by the minister or a person designated by the minister and by discarding it in the manner directed by the minister or his or her designate.

Storage area

13. (1) A person who sells or stores for gain or reward a commercial or restricted pesticide shall do so in a manner that ensures that a storage area shall have

- (a) a source of water in an area in or adjacent to the storage area;
- (b) approved safety equipment as required which is properly maintained, functional and available at all times for personnel handling and working with pesticides;
- (c) flooring which shall not contain a floor drain or catch basin which is directly or indirectly connected to a private or municipal sewage system or public watercourse;

- (d) flooring which shall be capable of being readily cleaned and decontaminated of pesticides stored within;
- (e) adequate ventilation by either natural or mechanical means so as to prevent the accumulation of toxic and/or flammable vapours;
- (f) a "Danger--Stored Pesticide" sign posted on all entrances, which is printed in block letters 5 centimetres or more in height;
- (g) clean-up procedures, material and equipment available to clean up spills or leakage;
- (h) security procedures consistent with the instructions of the minister or a person designated by the minister;
- (i) another provision which may be stipulated on the licence by the minister or a person designated by the minister.

(2) A person who sells or stores for gain or reward a commercial or restricted pesticide shall provide a list of each pesticide and estimated quantities normally held in storage to the chiefs of the local fire and police departments.

Insurance require-
ment

14. (1) An applicant for an operator's licence, except the Crown, shall provide evidence that his or her activities and those of the applicant's employees or agents that are regulated by the Act are covered by insurance as follows:

- (a) commercial general liability insurance with a minimum inclusive limit of \$1,000,000 per occurrence for bodily injury and property damages to include the Crown as an additional insured; and
- (b) third party liability insurance in respect of owned, licensed vehicles, subject to minimum limits of \$500,000 with a rider to permit the transportation of pesticides for all vehicles which do or may carry pesticides.

(2) A pesticide operator's licence shall not be issued or renewed unless the minister or a person designated by the minister is satisfied as

to the sufficiency of the commercial general liability coverage and the third party liability coverage, relating to vehicles, held by the applicant.

(3) If an insurance contract or insurance policy is lapsed, expired or is cancelled, the licence in respect of which the insurance was required under this section is automatically cancelled.

Repeal

15. The *Pesticides Control Regulations, Consolidated Newfoundland and Labrador Regulation 1166/96*, are repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 58/03

*Storage and Handling of Gasoline and Associated
Products Regulations, 2003*
under the
Environmental Protection Act
(O.C. 2003-225)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

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|-------------------------|---|
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| 2. Definitions | 12. Exception to section 10 prohibition |
| 3. Exemption | 13. Application and approval |
| 4. General requirements | 14. Used oil |
| 5. Critical area | 15. Oil separator |
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- | | |
|----------------------|--|
| 20. Test results | 27. Construction and installation standards |
| 21. Records | 28. Testing of systems |
| 22. Leaks and spills | 29. Upgrading of existing storage tank systems |
| 23. Time for tests | 30. Failure to comply |
| 24. Leaks | 31. Repeal |
| 25. Abandonment | |
| 26. Relocation | |

Short title

1. These regulations may be cited as the *Storage and Handling of Gasoline and Associated Products Regulations, 2003*.

Definitions

2. In these regulations

- (a) "abandoned" means, when used in reference to a storage tank system, a storage tank system that has been in disuse for the purpose of conveying petroleum products for more than 12 consecutive months or when declared to be abandoned by the owner or by the minister;
- (b) "aboveground tank" means a tank which is located at or above grade, includes both horizontal and vertical tanks and tank truck and tank truck trailers that are being used as a stationary source of fuel storage;
- (c) "alter" means an enlargement of a storage tank system or a change in the configuration of the dyking, piping or tank or the replacement of a tank;
- (d) "approved" means approved by the department in writing;
- (e) "associated product" means petroleum or a derivative of it, except gasoline, which is in a liquid state at ambient temperature and pressure;
- (f) "atmospheric storage tank" means a storage tank designed to operate at pressures from atmosphere to 3.5 kilopascals (gauge);
- (g) "bulk plant" means one or more storage tanks, including the appurtenances of those tanks, where gasoline or associated products are received by pipeline, tank vessel, tank car or tank vehicle and are stored in bulk for subsequent transmission by pipeline or transportation or distribution by tank ves-

sel, tank car or tank vehicle, but does not include a service station;

- (h) "closed container" means a container so sealed by means of a lid or other device that neither liquid nor vapour will escape from it at ordinary temperatures;
- (i) "contingency plan" means planned procedures for reporting, containing, removing and cleaning up after a spill or leak;
- (j) "conveying" means the utilization of a storage tank system for the movement of gasoline or associated products;
- (k) "critical area" means an area designated as a critical area by the minister, where ground water or surface water is contaminated by gasoline or associated products;
- (l) "department" means the department presided over by the minister;
- (m) "effective capacity" means that volume available for retaining liquid which would be determined by subtracting from the gross volume of the dyke all other volumes taken up by foundations, supports, equipment and other storage tanks within the dyke and include a freeboard on top of 15 centimetres;
- (n) "empty" means, when used in reference to a storage tank system, void of its contents as far as is practicable by means of suction, pouring or pumping;
- (o) "flash point" means the minimum temperature at which a liquid within a container gives off vapour in sufficient concentration to form an ignitable mixture with air near the surface of the liquid;
- (p) "gasoline" means a liquid product of petroleum that has a flash point below 37.8° Celsius and is designed primarily for use in an internal combustion engine;
- (q) "handling" means the storing, transmitting, transporting or distributing of gasoline or associated products and includes putting gasoline or an associated product into the fuel tank

of a motor vehicle, motor boat or other water craft or into a container;

- (r) "hydrostatic test" means a tank test involving the equilibrium of liquids and the pressure exerted by liquids;
- (s) "leakage" means a discharge of gasoline or associated products from a storage tank system, pipeline, tank vessel, tank car or tank vehicle, other than through the usual function for which the storage tank system or pipeline was designed and "leak" and "leaking" have similar meanings;
- (t) "low pressure storage tank" means a storage tank designed to operate at pressure from 3.5 kilopascals (gauge) to 100 kilopascals (gauge);
- (u) "marina" means premises at which gasoline or associated products are put into the fuel tanks of water craft or into portable containers;
- (v) "minister" means the minister appointed under the *Executive Council Act* to administer the *Environmental Protection Act*;
- (w) "normal" means, when used in reference to an apparent loss of gasoline or associated products from an aboveground or an underground storage tank system, 1% of the capacity of the storage tank or 1% of the volume of gasoline or associated product conveyed through the storage tank system, whichever is greater or such lesser percentage as the minister may specify;
- (x) "oil separator" means a device used to separate and remove oily wastes from oil/water mixtures;
- (y) "operator" means
 - (i) a person who is responsible for the day to day maintenance and operation of a storage tank system or pipeline, or
 - (ii) when referring to a vehicle, the driver in charge of the vehicle;

- (z) "owner" means that person having the possessory rights to and care, control or management of and over the storage tank system or pipeline or vehicle;
- (aa) "sensitive area" means an area designated by the minister as a sensitive area, having regard to but not limited to criteria such as the permeability and corrosiveness of the soil, location of surface watercourses, location of water supply systems and activities of wildlife;
- (bb) "service station" means premises, including self-service stations, at which gasoline or associated products are sold and are put into the fuel tanks of motor vehicles, water crafts or into portable containers;
- (cc) "spill" means a loss of gasoline or associated products in excess of 70 litres from a storage tank system, pipeline, tank vessel or vehicle onto or into the soil or water and "spillage" has a similar meaning;
- (dd) "storage tank system" means either an atmospheric or low pressure closed tank container and all vents, fill and withdrawal piping associated with it installed in a fixed location and includes temporary arrangement on cradles or skids;
- (ee) "transport" means to convey in or on a vehicle gasoline or associated products, exclusive of the fuel carried for use in the vehicle, unless the amount of this fuel exceeds 200 litres;
- (ff) "U.L.C." means the Underwriters' Laboratories of Canada;
- (gg) "underground tank" means a tank which is installed so that at least 50% of its mass is below adjacent ground level; and
- (hh) "vehicle" means a tank truck, stake truck, trailer, semi-trailer, tractor and other conveyance and appurtenances designed for or capable of transporting gasoline or associated products other than fuel used in the operation of that vehicle, unless this amount exceeds 200 litres.

Exemption

3. Aboveground and underground storage tank systems of capacity of 2500 litres or less that are connected to a heating appliance are exempt from the provisions of this regulation.

General require-
ments
Critical area

4. A person shall not construct a storage tank system that does not meet the minimum requirements prescribed in section 27.

5. (1) The minister may designate, by an order published in the *Gazette*, an area of the province as critical for the purpose of these regulations.

(2) Within 30 days of designation of a critical area, the owner or operator of a storage tank system in a critical area shall

- (a) have the tests as prescribed in section 28 performed; and
- (b) where such tests show leakage, comply with sections 22 and 24; or
- (c) where such tests show that the storage tank system is not leaking and the system does not meet the requirements of section 27, upgrade the system within one year of the designation in accordance with section 29; and
- (d) in writing, notify the department of the upgrading method employed within 30 days of the completion of upgrading.

Sensitive area

6. (1) The minister may designate, by an order published in the *Gazette*, an area of the province as sensitive for the purpose of these regulations.

(2) Upon the designation of a sensitive area and within the dates prescribed by the minister, the owner or operator of a storage tank system in the sensitive area shall

- (a) have the tests prescribed in section 28 performed; and
- (b) where those tests show leakage, comply with sections 22 and 24; or
- (c) where the tests show that the storage tank system is not leaking and the system does not meet the requirements of section 27, upgrade the system in accordance with section 29; and
- (d) in writing, notify the department of the upgrading method employed within 30 days of the completion of upgrading.

Variation	<p>7. The minister may vary the requirements of section 27 when a person affected by this regulation, upon written application to the department, satisfies the minister that his or her proposal meets or surpasses the requirements as prescribed in section 27.</p>
Prohibition	<p>8. Notwithstanding section 3, an owner or operator shall not directly or indirectly cause pollution of the soil or water by causing, suffering or permitting leakage or spillage of gasoline or associated product from a storage tank system or vehicle.</p>
Prohibition	<p>9. Notwithstanding section 3, a person shall not directly or indirectly cause pollution of bodies of water or an underground water supply by causing suffering or permitting the dumping, depositing, dropping, throwing, discharging or leaving of gasoline or associated products.</p>
Prohibition	<p>10. (1) A person shall not transfer gasoline or associated products from a storage tank system to a vehicle or from a vehicle to a storage tank system without supervising the transfer at all times in a manner that allows that person to immediately shut off the flow of gasoline or associated products during the transfer of products.</p> <p>(2) A person shall not directly or indirectly cause or permit the overflow of gasoline or associated product from a storage tank system.</p>
Prohibition	<p>11. A person shall not operate a new or existing bulk plant, a marina or other storage tank system that may be designated by the minister without an approved contingency plan.</p>
Exception to section 10 prohibition	<p>12. Notwithstanding section 9, the use of gasoline or associated products is acceptable for</p> <p>(a) approved application of pesticides; and</p> <p>(b) other practices that the minister may consider acceptable.</p>
Application and approval	<p>13. A person shall not construct, install, alter or operate a storage tank system without first</p> <p>(a) completing and filing an application in the manner and form required by the minister; and</p> <p>(b) obtaining approval from the minister.</p>

Used oil	14. Used or waste oil shall be collected either in a tank or closed container.
Oil separator	15. Floor drainage from service stations and other facilities handling used or waste oil shall be routed through an oil separator for removal of oily wastes before being discharged.
Disposal	16. (1) The used or waste oil floating in the oil separator shall be removed regularly so that it does not drain into the sewer and the operator shall transfer it to the waste tank or to a closed container. (2) The tank and the closed containers used for waste oil and waste material shall be emptied regularly and the waste oil and waste material shall be disposed of in a manner which does not cause pollution.
Testing	17. (1) A person shall not set into operation a storage tank system without first having the tests prescribed in section 28 conducted and the results submitted to the department. (2) A person shall not set into operation a storage tank system on which alterations or repairs have been done without first having the tests prescribed in section 28 conducted and the results submitted to the department.
Operator duties	18. (1) The operator of an underground storage tank system, other than a storage tank system connected to a heating appliance or a waste oil collection tank, shall (a) ensure that the tank or tanks are gauged or dipped, including a water dip, each day of operation; (b) reconcile gauge or dip readings with meter readings at least daily; (c) maintain a record of gauge, dip and water dip readings and reconciliations on a form approved by the department; (d) retain the records described in paragraph (c) for at least 2 years and have the records available for inspection by the department;

- (e) inform the department immediately of losses above normal as indicated by 4 consecutive reconciliations;
- (f) in critical and sensitive areas, submit a copy of all reconciliations records every 3 months to the department;
- (g) upon the request of the department, submit reconciliations records for a period specified by the department.

(2) The operator of an aboveground storage tank system, other than a storage tank system connected to a heating appliance or a waste oil collection tank, shall

- (a) ensure that the tank or tanks are gauged or dipped, including a water dip, at least weekly or at such less frequent interval as the minister may approve in writing to accommodate remote installations;
- (b) reconcile gauge or dip readings with receipt and withdrawal records at least weekly;
- (c) maintain a record of gauge, dip and water dip readings and reconciliations on a form approved by the department;
- (d) retain the records described in paragraph (c) for at least 2 years and have these records available for inspection by the department;
- (e) inform the department immediately of losses above normal as indicated by 2 consecutive reconciliations;
- (f) in critical and sensitive areas, submit a copy of all reconciliations records every 3 months to the department;
- (g) upon the request of the department, submit reconciliations records for a period specified by the department.

(3) The operator of a storage tank system other than a storage tank connected to a heating appliance or a waste oil collection tank shall

- (a) determine cumulative apparent losses from the tank or tanks on a semi-annual basis, with readings taken on January 15 or July 15 or within 7 days from these dates;
- (b) inform the department immediately of the cumulative loss from the tank or tanks on a semi-annual basis exceed one-half of 1% of throughput for the period under consideration.

(4) The owner of a storage tank system or pipeline may be charged with an offence under subsection (1), (2) or (3) if the offence occurred because the owner failed to properly instruct the operator as to these requirements.

Variation

19. Notwithstanding section 18, the minister may, subject to such terms and conditions as he or she considers appropriate, vary the requirements of section 18 where the owner or operator has filed a written proposal with the department outlining the methods and procedures to be used by the operator to conform with the intent and purpose of section 18.

Test results

20. In accordance with sections 5, 6, 17 and 23, the owner or operator of a storage tank system shall, within 30 days of the completion of testing, complete and submit a test result report in the manner and form required by the minister.

Records

21. The owner or operator of a storage tank system shall maintain records of all tests prescribed in section 28.

Leaks and spills

22. (1) In the event of a spill or leak from a vehicle, pipeline or storage tank system, the operator of the vehicle, pipeline or storage tank system shall immediately

- (a) notify the department; and
- (b) take those steps that are necessary to abate the discharge, clean the area affected and restore the environment to the satisfaction of the department.

(2) Where the owner of a storage tank system or pipeline or vehicle violates subsection (1) that owner is guilty of an offence if the offence occurred because the owner failed to properly instruct the operator of the requirements under that subsection.

Time for tests

23. Upon request of the department, the owner or operator of a storage tank system shall have the tests prescribed in section 28 conducted within 30 days or such other period of time as may be prescribed by the department.

Leaks

24. When a leak is demonstrated in accordance with sections 5, 6, 22 and 23, the owner or operator of a storage tank system shall promptly

- (a) empty that part of the system that is leaking;
- (b) affix an appropriate visible closure notice on the leaking system;
- (c) make those repairs that are necessary, and
 - (i) where the leak is from a tank, that tank shall be upgraded to the standards of section 27,
 - (ii) where the leak was caused by corrosion, all related storage tank systems which do not meet the requirements of section 27 shall be upgraded to meet the minimum requirements prescribed in section 30 within 12 months, or
 - (iii) where the leak is from the piping, ensure that the piping meets the minimum requirements as prescribed in section 27, or
 - (iv) where it can be demonstrated that the location of the storage tank system will be subject to a planned closure program upon application in writing to the minister, the minister may cancel the requirements of this paragraph;
- (d) where applicable, clean and restore the area affected within a specified time period satisfactory to the department.

Abandonment

25. (1) Where a storage tank system has been or will be out of use for a period exceeding 6 months or another period of time that the minister may designate, all liquid and vapours shall be removed from the storage tank, connected piping and dispensing facilities.

(2) Where an underground storage tank system has been abandoned, or when it is known that the underground tank will not be used again, the owner of the storage tank system shall within 30 days empty the system of all liquid and vapours, and

- (a) remove the piping from the ground, or purge the piping of flammable vapours and products and permanently seal the ends of the piping by capping and remove the tank from the ground and remove contaminated soil and gasoline or associated products, if the soil around and under the tank is contaminated with the products; and
- (b) clean and restore the area affected to the satisfaction of the department.

(3) Where an aboveground storage tank system has been abandoned or when it is known that the aboveground storage tank system will not be used again, the owner of the storage tank system shall within 30 days empty the system of all liquid and vapours, and

- (a) dismantle and remove or dispose of the storage tank system including the dyke and remove that contaminated material and gasoline or associated products, if the material around and under the tank is contaminated with the products; and
- (b) clean and restore the area affected to the satisfaction of the department.

(4) Notwithstanding subsections (2) and (3), the minister may, subject to the terms and conditions that the minister considers appropriate, vary the requirements of subsection (2) or (3) where the owner or operator has filed a written proposal with the department outlining an alternative method or procedure to be used which will provide a level of environmental protection acceptable to the minister.

Relocation

26. (1) A welded aboveground storage tank may be relocated for similar use provided

- (a) it is tested after installation but before use in accordance with subsection 28(5) and found to be sound; and
- (b) it is dyked in accordance with subsection 27(8).

(2) Riveted aboveground storage tanks shall not be relocated for use.

Construction and
installation stan-
dards

27. (1) Steel underground storage tanks shall be constructed, shop tested, installed and maintained in accordance with the U.L.C.

(a) CAN4-S603.1 latest edition including the associated appendices and shall bear a U.L.C. label; or

(b) CAN4-S603 latest edition with impressed current cathodic protection and shall bear a U.L.C. label.

(2) Fibreglass underground storage tanks shall be constructed, shop tested and installed in accordance with U.L.C. CAN4-S615, latest edition and shall bear a U.L.C. label.

(3) An impressed current cathodic protection system shall consist of a number of anodes connected to an external direct current power source, installed in such a manner that the static potential between the storage tank system and a saturated copper/copper sulfate half cell in contact with the soil shall read negative 850 millivolts or more negative.

(4) The system referred to in subsection (3) shall be designed and installed employing sound engineering methods and taking into consideration factors such as the configuration of multiple tank systems, soil resistivity and existing structures in the immediate area.

(5) Shop fabricated aboveground horizontal storage tanks shall be constructed and shop tested in accordance with the U.L.C. CAN4-S601, latest edition, and shall bear a U.L.C. label.

(6) Shop fabricated aboveground vertical storage tanks shall be constructed and shop tested in accordance with the U.L.C. CAN4-S630, latest edition, and shall bear a U.L.C. label.

(7) Field erected aboveground tanks shall be constructed in accordance with American Petroleum Institute Standard 650, latest edition.

(8) Aboveground storage tanks shall be surrounded by a dyke which shall be designed and constructed as follows:

- (a) where a dyked area contains only one storage tank, the dyked area shall retain not less than 110% of the capacity of the tank;
- (b) where a dyked area contains more than one storage tank, the dyked area shall retain not less than 110% of the capacity of the largest tank or 100% of the capacity of the largest tank plus 10% of the aggregate capacity of all the other tanks, whichever is greater;
- (c) the base and walls of the dyke shall have an impermeable lining of clay, concrete, solid masonry or other material designed, constructed and maintained to be liquid tight to a permeability of 25 litres/metre²/day; and
- (d) a method for the elimination of water accumulations inside the dyke shall be incorporated in the dyke design and construction.

(9) The area immediately surrounding loading or unloading facilities at bulk plants shall be designed to drain to an oil separator or a storage tank and shall be on concrete flooring and the collecting device shall be of a size sufficient to contain a spill during loading or unloading.

(10) When the bulk storage tanks are not in operation or under competent supervision, the gates and other access ways shall be closed and locked and the loading valves, filling and gauging pipes shall be locked except those operated by electrical, remote controls.

(11) At the plant's main gate the operator shall install in full view a plate bearing his or her name, address and telephone number and the name, address and telephone number of his or her authorized representative.

(12) All piping systems associated with a storage tank system shall be designed, constructed and installed to comply with the minimum requirements of the pertinent subsection of Part 4 of the latest edition of the National Fire Code.

Testing of systems

28. (1) All piping systems shall be pressure tested with air, water or product to at least 350 kilopascals or 1.5 times the maximum operating pressure, whichever is greater.

- (2) When piping systems are pressure tested
 - (a) with air, the lines shall be soaped and shall retain the pressure for a minimum period of 2 hours after the source of pressure has been removed; or
 - (b) with liquid, the lines shall retain the pressure for a minimum of 6 hours after the source of pressure has been removed; and
 - (c) the pressure shall be measured by an instrument calibrated in increments not greater than 3.5 kilopascals.
- (3) Underground storage tanks, when back filled to finished grade and with the fill pipe installed, shall be tested before operating, and a tester system approved by the department shall be utilized.
- (4) Underground storage tanks installed in accordance with subsection 27(1)
 - (a) shall have maintenance checks on the proper operation of corrosion protection systems carried out in accordance with U.L.C. Standard CAN4-S603.1 for sacrificial anode systems and with the National Association of Corrosion Engineers publication RP-01-69 for impressed current systems and these monitoring checks shall be done at the following time intervals:
 - (i) before energizing the impressed current system (ICS),
 - (ii) immediately after completing the installation (ICS energized),
 - (iii) one month and one year after installation, and
 - (iv) every 2 years starting in the third year after installation;
 - (b) all records of maintenance checks shall be retained by the owner of the storage tank system and shall be made available for inspection by the department.
- (5) Aboveground vertical storage tanks shall be tested immediately after first filling with product, in the following manner:

- (a) the tank shall be dipped every 12 hours for 2 consecutive days;
 - (b) temperature readings at the top, bottom and middle of the tank shall be taken and a mean temperature of product determined;
 - (c) corrections for expansion and/or contraction of product shall be applied to the calculations; and
 - (d) variations from the original liquid levels other than those accounted for by the expansion or contraction will indicate leakage.
- (6) Aboveground horizontal tanks shall be visually inspected for leaks.
- (7) Dyking shall be tested utilizing a method approved by the department to measure the permeability of the construction.

Upgrading of
existing storage
tank systems

29. (1) When a test shows an underground storage tank system to be sound, it may be upgraded with the addition of

- (a) impressed current cathodic protection; or
 - (b) installation of an approved internal non-corrosive tank lining.
- (2) A dyke shall be constructed around aboveground tanks as prescribed in subsection 27(8).
- (3) An underground storage tank that has been removed from the ground or that has been abandoned may
- (a) if potentially suitable for reuse for underground storage of flammable or combustible liquids, be recertified by the manufacturer according to the
 - (i) U.L.C. Technical Supplement for steel tanks, or
 - (ii) National Standard of Canada Technical Supplement for tanks other than steel tanks;

- (b) if potentially suitable for reuse for aboveground storage of flammable or combustible liquids, be refurbished by the manufacturer to meet the requirements of U.L.C. Standard CAN4-S601M which must be confirmed by the attachment to the tank of an U.L.C. Special Acceptance Tank label; and
- (c) if not suitable for reuse under paragraph (a) or (b) shall be rendered harmless by
 - (i) purging the tank of hydrocarbons and vapours by a method approved by the department,
 - (ii) using a gas detection meter approved by the department to verify gas-free condition of the tank,
 - (iii) cutting sufficient openings in the tank to render it unfit for further use, and
 - (iv) disposing of it in a manner acceptable to the department.

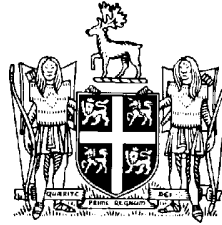
Failure to comply

30. When a person fails to comply with the requests from the department under these regulations, the department may take those steps that it considers necessary to abate or control the discharge, deposit or emission of the contaminant or to clean the area affected by the discharge, deposit or emission of the contaminant and restore the environment to a condition satisfactory to the department and the costs incurred in that abatement, control, cleaning or restoration will be a debt due and recoverable by the department from the person who fails to comply with the request.

Repeal

31. The *Storage and Handling of Gasoline and Associated Products Regulations, Consolidated Newfoundland and Labrador Regulation 775/96*, are repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 59/03

Waste Management Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003- 226)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry.
Clerk of the Executive Council

REGULATIONS

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Short title **1.** These regulations may be cited as the *Waste Management Regulations, 2003*.

Definitions **2.** In these regulations

(a) "Act" means the *Environmental Protection Act*;

(b) "board" means the Multi-Materials Stewardship Board;

(c) "inspector" means a person appointed as an inspector under subsection 11(1); and

(d) "trust fund" means the Newfoundland and Labrador Waste Management Trust Fund continued under section 10.

PART I MULTI-MATERIALS STEWARDSHIP BOARD

Composition of the board **3.** (1) The board shall consist of

(a) the deputy minister of the Department of Environment, who may designate an employee of that department to act in his or her place; and

(b) not fewer than 7 other members appointed by the minister.

(2) The members of the board appointed by the minister shall include

(a) one representative of distributors under Part II;

(b) one representative of consumers;

(c) one representative of the Newfoundland and Labrador Federation of Municipalities; and

(d) 4 or more representatives-at-large, one of whom shall be a resident of Labrador.

(3) A member of the board shall be appointed for a term of 3 years and is eligible for reappointment.

(4) A member of the board whose appointment has expired continues to be a member of the board until a successor is appointed.

(5) The minister shall designate one member of the board to be chairperson.

(6) Where there is a vacancy on the board, the minister shall appoint a successor, in accordance with subsection (2), who shall hold office for the remainder of the unexpired term of the member being replaced, and the successor is eligible for reappointment.

Remuneration of the board

4. The Lieutenant-Governor in Council shall set the remuneration to be paid to a member of the board.

Annual report

5. The board shall submit an annual report to the minister in a form and at a date prescribed by the minister.

Budget of the board

6. (1) The board shall, not later than a date to be set by the minister, submit to the minister a budget for the next financial year containing

(a) detailed estimates of expenses of the board for the next financial year;

(b) detailed estimates of expenses for each waste management program for the next financial year;

(c) detailed estimates of revenue of the board for the next financial year from all sources;

(d) estimates of a surplus projected to accrue to the board in the current financial year;

(e) an estimate of the amount to be paid into the trust fund under subsection 19(2); and

(f) other information that may be required by the minister.

(2) The minister may approve or disapprove a budget submitted by the board.

(3) The minister may give a direction to the board in the preparation of its budget, including a direction relating to the operation of the board or a waste management program.

(4) The board shall not in a financial year incur, contract for or become liable for an expenditure or debt that is more than the estimated expenditure or debt set out in its annual budget except with the prior written approval of the minister.

(5) The minister may appoint a person to examine the books of account and other financial records of the board and, at the request of that person, the board shall provide him or her with its books of account and other financial records and an officer or employee of the board shall answer questions pertaining to them and provide other assistance that the person may request.

(6) The board shall use revenue from a waste management program for its expenses.

Powers of the board

7. The board may

- (a) investigate the feasibility of a waste management program;
- (b) employ staff;
- (c) enter into a contractual arrangement to carry out its duties and responsibilities;
- (d) subject to the approval of the minister, make by-laws to govern the procedures of the board; and
- (e) prescribe a form for the purpose of these regulations, including a form to be used for an application to the board.

Duties of the board

8. The board shall

- (a) implement and operate a waste management program approved by the minister;
- (b) implement and operate a waste management program in accordance with these regulations;
- (c) manage the trust fund;
- (d) supervise and direct inspectors; and
- (e) direct the collection and disposition of money under a waste management program.

Power to delegate

9. Subject to the approval of the Lieutenant-Governor in Council, the board may delegate a power or a duty assigned to it under section 7 or 8 to another person or body and that person or body shall exercise the power or duty according to the terms of the legislation.

Trust fund

10. (1) The Newfoundland and Labrador Waste Management Trust Fund established under section 4 of the *Beverage Container Control Regulations* is continued.

(2) A person or organization may apply to the board for a grant or loan from the trust fund.

(3) Subject to the approval of the minister, the board may grant or refuse in whole or in part an application under subsection (2), or may grant the application subject to conditions.

(4) In making a decision under subsection (3), the board shall include consideration of whether the application relates directly to the basic objectives of waste management, and whether the application includes

- (a) support for the development of a municipal, institutional or regional recycling program which supports existing programs approved by the minister;
- (b) support for the planning, development and upgrading of a regional or municipal waste management system;

- (c) support for workshops, seminars or educational or promotional programs or activities which would enhance waste management;
- (d) support for community service groups, municipalities, schools and others for waste material cleanup activities;
- (e) support for government or board initiatives for waste management;
- (f) support for the investigation and demonstration of new technologies that would enhance waste management; and
- (g) support for market analysis and feasibility studies related to business development opportunities resulting from a waste management activity.

Inspectors

11. (1) The board may appoint inspectors to determine compliance with the Act and regulations.

(2) For the purpose of determining compliance with the Act and regulations, an inspector may at a reasonable time and without a warrant enter and inspect a vehicle, equipment, place and premises, other than a dwelling place, and may demand the production of and inspect the books, documents, papers, correspondence and records, and a person occupying or in charge of the vehicle, equipment, place or premises shall answer questions pertaining to compliance with the Act and regulations, and shall produce for inspection and the making of copies or extracts the books, documents, papers, correspondence and records that the inspector may demand.

(3) Where an inspector believes on reasonable grounds that a person has contravened the Act or regulations, the inspector may, with a warrant issued under subsection (4), at a reasonable time enter a vehicle, equipment, place or premises, and may examine and remove for the purpose of making copies, books, documents, papers, correspondence and records that the inspector believes on reasonable grounds contain information relevant to the enforcement of the Act and regulations.

(4) A Provincial Court judge or justice of the peace who is satisfied by information upon oath or affirmation that there are reasonable grounds for believing that there is in a vehicle, equipment, place or premises anything that shall afford evidence with respect to an offence

under the Act or regulations may issue a warrant authorizing an inspector named in the warrant to enter and search that vehicle, equipment, place or premises and to make those inquiries and copies of books, documents, papers, correspondence and records that are considered necessary, subject to those conditions that may be specified in the warrant.

(5) The owner or person in charge of the vehicle, equipment, place or premises referred to in this section and every person found in the vehicle, equipment, place or premises shall give an inspector all reasonable assistance to enable the inspector to carry out his or her duties and functions under this section and shall furnish information which the inspector may reasonably require.

(6) Notwithstanding subsection (3), an inspector may exercise the power of search referred to in that subsection without a warrant issued under subsection (4) where the conditions for obtaining the warrant exist but by reason of exigent circumstances it would not be practical to obtain the warrant.

(7) For the purpose of subsection (6), "exigent circumstances" include circumstances in which the delay necessary to obtain the warrant would result in danger to human life or safety or the loss or destruction of evidence.

(8) A person contravenes these regulations who interferes with or hinders an inspector conducting a search or making an investigation or exercising a right or discharging a duty conferred or imposed on him or her by the Act or regulations.

PART II BEVERAGE CONTAINER CONTROL PROGRAM

Definitions - Part II

12. In this Part

- (a) "alcoholic liquor" means alcoholic liquor as defined in the *Liquor Corporation Act* but does not include beer;
- (b) "beer" means beer as defined in the *Liquor Corporation Act*;
- (c) "beverage" means a ready-to-serve liquid intended for human consumption, including

- (i) a carbonated or non-carbonated soft drink,
 - (ii) bottled water, naturally or artificially carbonated,
 - (iii) a fruit juice or fruit drink,
 - (iv) a vegetable juice,
 - (v) beer, and
 - (vi) alcoholic liquor,
- but does not include,
- (vii) milk,
 - (viii) an infant formula, or
 - (ix) all medicinal nutritional supplements formulated for special dietary needs;
- (d) "beverage container" means a container that contains or has contained a beverage delivered sealed to a retailer where the container is made of
- (i) glass,
 - (ii) steel,
 - (iii) aluminium,
 - (iv) plastic,
 - (v) aseptic packaging, or
 - (vi) other recyclable material,
- but does not include
- (vii) a plastic cup, styrofoam cup or other unsealed container sold to a service industry for on-site consumption, or
 - (viii) a container that

- (A) is refillable,
 - (B) holds more than 5 litres,
 - (C) contains or has contained a premixed fountain beverage, or
 - (D) contains or has contained a concentrated product;
- (e) "deposit" means an amount of money paid to the distributor or retailer by the purchaser of a beverage in a beverage container;
- (f) "depot" means a place where used beverage containers are collected;
- (g) "depot operator" means a person who owns, manages or operates a depot;
- (h) "distributor" means a person who
- (i) manufactures a beverage in the province,
 - (ii) by wholesale or other means, sells a beverage in a beverage container to a retailer,
 - (iii) bottles a beverage in a beverage container for sale in the province, or
 - (iv) is described in section 15;
- (i) "label" includes a sticker, word or marking on a beverage container or the lid, cap or cover of a beverage container which identifies the contents;
- (j) "refillable" means a beverage container which can be returned to a distributor for reuse as a beverage container where the distributor has established a system for the collection of the container;
- (k) "refund" means the amount paid for the delivery of a beverage container to a depot; and

- (l) "retailer" means a person who sells a beverage in a beverage container for consumption on or off its premises and includes a person who sells by a coin-operated vending machine.

Beverage containers

13. (1) A distributor shall not manufacture, sell or distribute a beverage in a beverage container unless the beverage container is

- (a) refillable or recyclable; and
- (b) registered under this section.

(2) Upon application by a distributor, the board may register a beverage container, and may prescribe terms and conditions in the registration.

(3) In determining whether to register a beverage container, the board shall include consideration of

- (a) the size, shape, colour, composition and UPC code of the container; and
- (b) whether there is on the container an adequate notice that it may be returned for refund.

(4) The board may cancel the registration of a beverage container.

Deposits

14. (1) A distributor shall collect a deposit of \$0.08 when a beverage in a beverage container is purchased, but where the beverage container contains alcoholic liquor, the deposit collected shall be \$0.20.

(1.1) The amount of the deposit referred to in subsection (1) and the refund of the deposit referred to in section 18 includes any applicable tax imposed under Part IX of the *Excise Tax Act* (Canada).

(2) A deposit collected by a distributor shall be held in trust for the board by the distributor.

(3) A distributor shall remit a deposit held in trust under subsection (2) to the board in accordance with an agreement with the board or, in the absence of an agreement, within 7 days after the end of a month.

(4) Notwithstanding subsection (3), the board may direct the distributor to remit the deposit held in trust under subsection (2), and the distributor shall remit the deposit within 7 days after receiving the direction of the board.

(5) A beverage in a beverage container is considered to be purchased where, for the purpose of marketing or sales promotion, the purchaser receives the beverage without cost or at a reduced cost.

Interpretation

15. For the purpose of sections 13 and 14, where a retailer

- (a) manufactures a beverage in the province;
- (b) bottles a beverage in a beverage container in the province; or
- (c) imports a beverage in a beverage container into the province,

and sells the beverage on its premises, the retailer shall be considered to be a distributor.

Depots

16. (1) A person shall not operate a depot without a permit.

(2) The board may issue a permit to operate a depot, and may prescribe terms and conditions in the permit.

(3) The board may cancel a permit to operate a depot where the depot operator fails to comply with a provision of the Act or regulations or a term or condition of the permit.

No depot

17. (1) The board may authorize an alternate collection scheme for beverage containers where a depot does not exist.

(2) Section 18 applies, with the necessary changes, to a collection scheme under subsection (1).

Returns and refunds

18. (1) A depot operator shall pay a refund of \$0.05 on a beverage container delivered to the depot, but where the beverage container contained alcoholic liquor the refund shall be \$0.10.

(2) A depot operator shall not refuse to accept a beverage container for refund, except where

- (a) the beverage container is crushed, broken or contaminated;

- (b) the beverage container has no labelling which identifies what it contained; or
- (c) the beverage container was rejected or discarded by the manufacturer during the manufacturing process.

Program operating
budget

19. (1) The board shall use revenue from a program under this Part for the implementation and operating expenses of the program.

(2) Notwithstanding paragraph 8(e), in accordance with a direction of the minister, the board shall pay into the trust fund an amount prescribed by the minister after consultation with the board.

Offence

20. (1) A person who fails to comply with subsection 13(1) is guilty of an offence and is liable to a fine of not more than \$5,000.

(2) A person who fails to comply with a provision of section 14 or section 29 is guilty of an offence and is liable on summary conviction to a fine equal to

- (a) the amount of the deposits that would have been collected or remitted by the distributor under section 14 had that distributor complied with that section; and
- (b) the amount of the levies that would have been paid or remitted by the supplier under section 29 had that supplier complied with that section.

(3) A depot operator who negligently or wilfully misrepresents the number or type of beverage containers for which compensation is claimed from the board is guilty of an offence and liable to a fine equal to twice the amount claimed at the time the misrepresentation is made.

(4) A person who fails to comply with a reasonable request of an inspector under section 11 is guilty of an offence and liable on summary conviction to a fine of not more than \$600 or 30 days' imprisonment for a first offence and not more than \$1,000 or imprisonment for a term of not more than one year for a subsequent offence.

(5) Where a person is convicted of an offence under these regulations and as a result

- (a) the board pays out an amount that would not have been paid if the offence had not been committed; or
- (b) the board does not receive an amount which would have been remitted to it if the offence had not been committed,

the court shall, in addition to imposing a fine, order the offender to pay to the board the amount paid out or not received under paragraphs (a) and (b).

(6) A person who does not comply with a provision of the Act for which a penalty is not otherwise provided is guilty of an offence and is liable on summary conviction to a fine of not less than \$500 and not more than \$5,000.

PART III USED TIRE RECYCLING

Definitions

21. (1) In this Part

- (a) "consumer" means a person who, in the province, is supplied with a new tire for use on a vehicle;
- (b) "highway" means a highway as defined in the *Highway Traffic Act*;
- (c) "new tire" means a tire that is
 - (i) provided with a vehicle, or
 - (ii) provided separately for use on or with a vehicle, and has been manufactured but not first supplied to a consumer;
- (d) "register" and "registration" means registered under section 25;
- (e) "supplier" means a person who, in the province, supplies new tires to a consumer;
- (f) "supply" means to transfer or offer to transfer a property interest by deed, gift, exchange, barter or a transaction by way of sale, lease, option or rental but does not include a

transfer for the sole purpose of creating a security interest within the meaning of the *Personal Property Security Act* or the *Bank Act* (Canada),

- (g) "tire" means a tire that is air filled or designed to be air filled and that is designed for use on the wheel of a vehicle;
- (h) "used tire" means a tire that is post use material and is no longer suitable for its original purpose because of wear, tear, damage, defect or another reason; and
- (i) "vehicle" means a device in, upon or by which a person or property is or may be transported or drawn upon a highway or private road but does not include
 - (i) a motorized wheelchair,
 - (ii) a device moved by human power,
 - (iii) a vehicle to which the *Motorized Snow Vehicles and All Terrain Vehicles Act* applies,
 - (iv) a farm implement or farm machinery not used on a highway, and
 - (v) a device used exclusively on fixed rails.

Deemed supply

22. A supplier who uses or consumes a new tire in the province is considered to have supplied that tire to another person.

Prohibition

23. (1) A person shall not dispose of a tire or a used tire in the province except by disposal

- (a) to a supplier;
- (b) in an area of a waste material disposal site established under the Act and approved for that purpose by the minister;
- (c) in another area that the minister designates for the purpose of the disposal of tires.

(2) A supplier shall not refuse to accept tires and used tires for disposal and collection provided that the rate of that tire collection need not exceed the rate of supply of new tires to consumers by that supplier.

(3) In the absence of evidence to the contrary, a tire or a used tire shall be considered to have been disposed of in contravention of subsection (1) where that tire or used tire has been gathered, collected, stockpiled, kept or retained in an area.

(4) Subsections (1) and (3) shall not apply to a tire that is

(a) in actual use on a vehicle; or

(b) secondarily used in a manner and for a function for which the tire was not originally designed.

(5) Notwithstanding paragraph 2(i), this section shall apply to a tire or used tire from a vehicle referred to in subparagraphs (iii) and (iv) of that paragraph.

Designation

24. The minister may designate areas within a waste material disposal site established under the Act and other areas in the province for the disposal and collection of tires for the purposes of the Act and this Part.

Supplier registration

25. (1) A supplier shall not supply a new tire to a consumer in the province unless that supplier is registered under this section.

(2) The board may, where it considers it to be appropriate, exempt a supplier or a class of suppliers from the application of subsection (1) where, in the opinion of the board, the supply of tires by that supplier or class of suppliers will be reported and levies will be remitted with respect to those tires by another supplier who is registered under this section.

(3) The board may impose terms and conditions with respect to an exemption under subsection (2).

(4) The board may register a supplier where the

(a) supplier makes an application to the board in the form required by the board;

- (b) supplier provides to the board the information that the board may require; and
- (c) application is accompanied by the fee that the board may establish.

(5) The board may require a supplier who applies for registration under this section to comply with terms and conditions that the board considers to be appropriate before registering that supplier.

(6) Subsections (1) to (5) apply to an application for a renewal or an amendment of a registration under this section.

(7) The board may require a supplier to provide security in the manner and amount that the board may establish.

(8) The board may refuse to issue or amend the registration of a supplier applicant under this section where

- (a) the board is satisfied that the applicant has violated a provision of the Act or another Act or regulation of the province or of Canada relating to the disposal, management or handling of tires and used tires;
- (b) the board is satisfied that the applicant has not complied with a term or condition imposed upon that applicant as a supplier under these regulations or a registration of that applicant under this section;
- (c) the applicant has not provided the security required by the board ; and
- (d) a supplier registration previously held by the applicant was revoked by the board within the previous 5 years.

(9) A supplier registration is not transferable.

Suspension, reinstatement and cancellation

26. (1) The board may suspend or cancel a registration where

- (a) the board is satisfied that the registered supplier or a person acting under that supplier has violated a provision of the Act or of another Act or regulation of the province or of Canada

with respect to the disposal, management or handling of tires or used tires;

- (b) the board is satisfied that the registered supplier or a person acting under that supplier has not complied with a term or condition of that supplier's registration;
- (c) the registered supplier has not provided or maintained security as required under this Part; and
- (d) the board is satisfied that the registered supplier is no longer a supplier.

(2) The board may, with terms and conditions that the board considers appropriate, reinstate a registration that has been suspended.

Security

27. (1) The board may require that an applicant for registration, amendment or reinstatement of registration provide security in the manner and amount that the board may establish.

(2) The amount of security that the board may establish under subsection (1) shall not exceed the amount of the levies that the board reasonably estimates would be remitted under section 29 during a period of 2 months as averaged for a typical year.

(3) Where a supplier does not remit levies in accordance with section 29, security provided by that supplier as required by the board shall be forfeited to the board 14 days after the remittance of the levies is due.

(4) Money forfeited under subsection (3) shall, after deducting costs, be paid to the account of the board.

Reports

28. (1) A supplier shall, at the times and in the form and manner required by the board,

- (a) report the number of tires that the supplier has supplied; and
- (b) maintain a record of a transaction made with respect to a tire for a period of 3 years after that transaction.

(2) A person shall not falsify, make misleading, unlawfully alter, deface, destroy, erase or obliterate a report, record or information required to be made, maintained or kept under this Part.

Levy

29. (1) A supplier shall pay to the board a levy of

- (a) \$3 upon a new tire that has a rim size diameter equal to or less than 43.18 centimetres; and
- (b) \$9 upon a new tire that has a rim size diameter that is greater than 43.18 centimetres and less than 63 centimetres,

that the supplier supplies to a consumer.

(2) A levy referred to in subsection (1) shall be held in trust for the board by the supplier.

(3) A supplier shall remit a levy held in trust under subsection (2) to the board in accordance with an agreement with the board or, in the absence of an agreement, within 7 days after the end of each month in which the supplier has supplied a new tire to a consumer.

(4) Notwithstanding subsection (3), the board may direct the supplier to remit the levy held in trust under subsection (2) and the supplier shall remit the levy not more than 7 days after receiving the direction of the board.

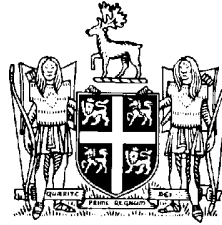
(5) A new tire shall be considered to be supplied where, for the purpose of marketing or sales promotion, the consumer is supplied with the new tire without cost or at a reduced cost.

(6) The board shall use revenue from the collection of levies under this Part for the costs of implementing, operating and administering a tire collection, transportation, recycling, processing, disposal and handling program under this Part.

(7) A supplier shall not ask for or receive from a person a sum intended to represent an amount equivalent to a levy under this section with respect to the supply of a replacement tire, if no consideration is given for the replacement tire and if the replacement is made because the original tire was defective.

Standards	<p>30. The board may establish standards relating to the distribution, supply, packaging, labelling, use, storage, collection, transportation, recycling, processing, disposal and other handling of tires and used tires in the province.</p>
Agreements	<p>31. (1) The board may enter into an agreement with a person or agency with respect to the collection, transportation, processing and recycling of used tires in the province.</p> <p>(2) A supplier may enter into an agreement with a person, including a manufacturer or distributor of tires, to act as that supplier's agent with respect to the administration of a program or requirement established under this Part.</p>
Repeal	<p>32. The <i>Waste Management Regulations, Newfoundland and Labrador Regulation 90/99</i>, are repealed.</p>

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NEWFOUNDLAND AND LABRADOR REGULATION 60/03

Heating Oil Storage Tank System Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-227)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

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Short title **1.** These regulations may be cited as the *Heating Oil Storage Tank System Regulations, 2003*.

Definitions **2.** In these regulations

(a) "aboveground" means on or above the adjacent surface and includes basements or other indoor locations;

(b) "Act" means the *Environmental Protection Act*;

(c) "administrator" means a person designated as the administrator by the minister;

(d) "alter" means to

(i) enlarge, reduce, upgrade, repair, replace, add, or remove any part of a system, or

(ii) change the configuration of the piping, filter, tank, physical protection or secondary containment of a system;

(e) "certificate of registration" means a document which confirms to an owner that the system information has been, or will be, registered with the department by a licensed inspector;

- (f) "department" means the department presided over by the minister;
- (g) "effective date" means
 - (i) for a new system, the date of installation, or
 - (ii) for an existing system, the date determined under subsection 6(3);
- (h) "existing" means in use before the date these regulations come into force;
- (i) "heating appliance" means an appliance intended for the supply of heat directly to a room or space or to rooms or spaces through a heat distribution system;
- (j) "heating oil" means a hydrocarbon oil, as classified under CAN/CGSB-3.2-99, used as a fuel for a heating appliance and includes Type I, commonly known as stove oil and Type 2, commonly known as furnace oil, and any other oil which may be designated as heating oil by the administrator;
- (k) "licensed inspector" means a person licensed under these regulations to inspect a system;
- (l) "minister" means the minister appointed under the *Executive Council Act* to administer the Act;
- (m) "owner" means the person having possessory rights to and care, control or management of the system and includes that person's agent;
- (n) "system" means a heating oil storage tank system which includes one or more interconnected tanks and all associated vent, fill and withdrawal piping and filters, up to where the product lines connect to the heating appliance itself, installed in a fixed location and includes a temporary system, and, where appropriate, includes an existing system;
- (o) "System Installation and Inspection Manual" means a manual approved by the department containing additional spe-

cific instructions as to the installation, operation, maintenance and inspection requirements for systems; and

(p) "underground" means below adjacent ground level.

Application

3. These regulations apply to all systems with a capacity of 2500 litres or less that are or were connected to a heating appliance and are or were being used for the storage of heating oil and the delivery of heating oil to a connected heating appliance.

Prohibition

4. (1) A person shall not operate or otherwise use a system for the storage of heating oil that does not comply with the technical requirements prescribed in section 15.

(2) This section shall come into force on April 1, 2007.

PART I NEW OR ALTERED SYSTEMS

New or altered
systems

5. (1) Upon the coming into force of these regulations, the owner of a new or altered system shall register the system.

(2) A system shall comply with these regulations and the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual.

(3) A person shall not own, use, operate or fill, or cause to be used, operated or filled a system which has been constructed, installed or altered after the coming into force of these regulations unless the system is registered in accordance with section 8.

PART II EXISTING SYSTEMS

Registration re-
quired

6. (1) On or before March 31, 2007, the owner of an existing system shall register the system.

(2) A system shall comply with these regulations and the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual.

(3) In determining the age of an existing system for the purpose of these regulations, the administrator shall consider

- (a) proof of the date of installation; or
- (b) where the date of installation of the tank cannot be determined, the date of manufacture of the tank,

but where the date of installation or manufacture of the tank cannot be determined under paragraph (a) or (b), the system shall be considered to be of unknown age and shall not be registered.

Inspection required

7. (1) An existing system shall be inspected by a licensed inspector.

(2) A licensed inspector shall give written notice to the owner of

(a) the results of the inspection of the system carried out under subsection (1); and

(b) a description of measures required to ensure compliance with subsection 6(2).

(3) Any deficiencies discovered by the inspection shall be corrected by the owner.

(4) Where a system has passed the inspection conducted in accordance with subsection (1) or has identified deficiencies corrected in accordance with subsection (3), a licensed inspector may issue a certificate of registration for and apply a registration label to that system in accordance with section 8.

PART III REGISTRATION AND INSPECTION OF SYSTEMS

Registration

8. (1) The administrator may issue or cause to be issued to an owner

(a) a certificate of registration, which shall include a registration number for each heating oil storage tank used in the system; and

(b) a registration label, or other means of identification which shall be affixed to the system in a manner acceptable to the administrator.

Continued compli-
ance

(2) The certificate of registration and the registration label may be provided to the owner by a licensed inspector.

9. (1) A registered system shall be inspected by a licensed inspector

(a) during or before the fifth year of operation of the system;
and

(b) every five years after that

to ensure continued compliance with these regulations, the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual.

(2) An inspection under section 7 satisfies the requirement of paragraph (1)(a).

(3) Deficiencies identified during an inspection conducted according to this section shall be corrected within 30 days or the registration of the system shall be revoked by the administrator.

Registration records

10. (1) A licensed inspector shall maintain an electronic record, in the manner and form prescribed by the administrator, of all registration and inspection information of a system.

(2) The electronic record referred to in subsection (1) shall

(a) contain

(i) a description of the location of each system,

(ii) the system's registration information,

(iii) the licensed inspector's confirmation that the system complies with these regulations and the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual, and

(iv) any other information that may be required by the administrator; and

Construction and
installation

(b) be made available to the administrator upon request.

11. (1) A system shall be constructed and installed according to the requirements prescribed in these regulations and in accordance with the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual.

(2) A licensed inspector shall inspect the installed system.

(3) The licensed inspector shall give written notice to the owner of

(a) the results of the inspection of the system carried out under subsection (2); and

(b) a description of measures required to ensure compliance with subsection (1).

(4) Any deficiencies discovered by the inspection shall be corrected by the owner.

(5) Where a system has passed the inspection conducted in accordance with subsection (2) or has had identified deficiencies corrected in accordance with subsection (4), a licensed inspector may issue a certificate of registration for, and apply a registration label to the system in accordance with section 8.

Alteration of system

12. (1) Any alterations to a system shall be in accordance with the requirements prescribed in these regulations and in keeping with the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual.

(2) Reasonable precautions shall be taken to prevent and contain spillage of heating oil during alterations.

(3) A licensed inspector shall inspect the altered system.

(4) A licensed inspector shall give written notice to the owner of

(a) the results of the inspection of the altered system carried out under subsection (3); and

(b) a description of measures required to ensure compliance with subsection (1).

(5) Any deficiencies discovered by the inspection shall be corrected by the owner.

(6) Where a system has passed the inspection conducted in accordance with subsection (3) or has had identified deficiencies corrected in accordance with subsection (5), a licensed inspector may issue a certificate of registration for, and apply a registration label to, the system in accordance with section 8.

Delivery prohibited

13. (1) A person shall not deliver or otherwise place heating oil into a system

(a) where there is reason to believe that the registration label

(i) has been altered,

(ii) does not belong to that system, or

(iii) has not been issued in accordance with these regulations; and

(b) after April 1, 2007

(i) which does not comply with these regulations and the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual, and

(ii) where a valid registration label is not permanently affixed to that system indicating that the registration of the system is current and has not expired.

(2) A heating oil delivery person, or any other person who identifies registration label deficiencies under subsection (1) shall report those deficiencies immediately to the owner and to the administrator.

Revocation of registration

14. (1) Where, in the opinion of the administrator, a new, altered or existing system does not comply with these regulations, the requirements of CSA-B139, the tank manufacturer's instructions and the System Installation and Inspection Manual, the administrator may

- (a) revoke the certificate of registration; and
- (b) direct the removal of the registration label.

(2) A revocation under subsection (1) is effective upon written notice being given to the owner by

- (a) personal service; or
- (b) registered or certified mail to the last known address of the owner.

(3) A notice mailed under subsection (2) shall be considered to be served on the owner

- (a) on the date the owner actually receives the notice; or
- (b) 5 days after the date of mailing

whichever is earlier.

PART IV TECHNICAL REQUIREMENTS

Technical require-
ments

15. (1) An aboveground mild steel tank shall only be used for the following maximum periods, which shall commence at the effective date determined under paragraph 2(g) or subsection 6(3), before being removed:

- (a) for single wall tanks located outside
 - (i) end or top outlet, 14 gauge – 10 years,
 - (ii) end or top outlet, 12 gauge – 15 years,
 - (iii) bottom outlet, 14 gauge – 15 years, or
 - (iv) bottom outlet, 12 gauge – 20 years; or
- (b) for single wall tanks located inside a structure or building which includes a foundation and protects the tank from the elements to the satisfaction of the administrator,

- (i) end or top outlet, 14 gauge - 15 years,
- (ii) end or top outlet, 12 gauge – 20 years,
- (iii) bottom outlet, 14 gauge- 20 years, or
- (iv) bottom outlet, 12 gauge – 25 years.

(2) Notwithstanding subsection (1), an aboveground tank that is constructed with secondary containment that provides an interstice that is monitored and

- (a) where the tank is located outside and the secondary containment precludes the ingress of precipitation; or
- (b) where the tank is located inside a structure or building which includes a foundation and protects the tank from the elements to the satisfaction of the administrator,

that tank is not subject to the maximum periods prescribed in that subsection.

(3) Where an aboveground tank is constructed of materials other than mild steel it shall be used only for the maximum period set by the administrator.

(4) The maximum period referred to in subsection (3) shall not exceed 50 years.

(5) Underground heating oil storage tank systems shall be

- (a) constructed with secondary containment of both the tank and all piping or tubing that provides an interstice that is monitored; and
- (b) installed and maintained in a manner so that the system may be readily removed if necessary according to subsection 18(5).

(6) A system shall have physical protection for the tank and associated appurtenances including valves, gauges, piping or tubing.

(7) A system may be subject to other requirements that the administrator may consider necessary.

Removal required

16. (1) An existing system may remain in service if it has been registered.

(2) An existing system which has not been registered shall be removed from service in accordance with subsection (3) on or before March 31, 2007.

(3) The owner of a system which has been disconnected from its associated heating appliance shall, within 30 days

(a) empty the system of all liquid;

(b) where the system is

(i) underground, the tank top shall be accessed and opened, any sludge and heating oil remaining in the tank shall be removed and the system shall then be dismantled, removed from the ground and disposed of, or

(ii) aboveground, the tank shall be opened, any sludge and heating oil remaining in the tank shall be removed and the system shall then be dismantled and disposed of;

(c) where underground piping is involved, the piping shall be removed from the ground, or emptied of heating oil and the ends shall be permanently sealed by capping; and

(d) clean the affected area and restore the environment to the satisfaction of the department.

Variance

17. (1) The administrator may, subject to the terms and conditions he or she considers appropriate, vary the requirements of section 15 where new technology, materials, systems, equipment, methods or procedures have become available which provide a level of environmental protection that meets or exceeds that provided by that section.

(2) The administrator may vary the time period for compliance with subsections 5(3) and 9(3) and paragraphs 13(1)(b), 16(3)(b), (c) and (d), and 18(5)(b) and (c) where

(a) geographic or climatic factors make compliance within the prescribed time frame impossible; and

(b) the nature of the defect or problem is not substantive.

(3) A request to dispose of a system in place shall only be considered if there are extenuating circumstances which would make the removal of the system difficult.

PART V LEAKAGE AND INSURANCE

Leakage

18. (1) An owner who has reason to believe that heating oil has leaked or is, or may be leaking from that owner's system or that water is intruding or has intruded into that owner's system shall immediately inform the department.

(2) Where any other person has reason to believe that heating oil has leaked or is, or may be leaking from a system, or that water is intruding or has intruded into a system, that person shall immediately attempt to inform the department and the owner.

(3) The owner of a system which has leaked or is or may be leaking or into which water is intruding or has intruded shall immediately inform that owner's heating oil delivery service company of the situation.

(4) A heating oil delivery service company who has been informed that heating oil has leaked or is or may be leaking or that water is or may be intruding into a system shall not deliver heating oil to that system until the system's integrity has been verified or until the system has been repaired or replaced as necessary to the satisfaction of the administrator.

(5) Where leakage is occurring from or water is intruding into a system the owner shall

(a) immediately take those steps which are necessary to abate the discharge or intrusion and empty the system of all liquid;

(b) within a period of 10 days

- (i) where the system is underground, the tank top shall be accessed and opened, any sludge and heating oil remaining in the tank shall be removed and the system shall then be dismantled, removed from the ground and disposed of,
- (ii) where the system is aboveground, the tank shall be opened, any sludge and heating oil remaining in the tank shall be removed and the system shall then be dismantled and disposed of,
- (iii) where underground piping is involved, the piping shall be removed from the ground, or emptied of heating oil and the ends shall be permanently sealed by capping; and
- (c) within a period of 30 days, clean the affected area and restore the environment to the satisfaction of the department.

Insurance

19. (1) As of January 1, 2003 all heating oil delivery service companies shall

- (a) have and maintain third party environmental liability insurance of a minimum value of \$2,000,000 per occurrence to cover costs of a spill during delivery; or
- (b) provide a written guarantee of financial responsibility acceptable to the administrator.

(2) Where a company maintains insurance under paragraph (1)(a), it shall

- (a) submit a certificate of insurance coverage to the administrator; and
- (b) submit proof to the administrator that the required insurance contains a statement that insurance coverage may not be cancelled except upon 30 days prior written notice to the administrator.

(3) Where a company provides a written guarantee under paragraph (1)(b) it shall provide a minimum of 30 days notice in writing to the administrator of the company's intention to change, alter, cancel or

otherwise cause to lapse or expire, the guarantee of financial responsibility required under that paragraph.

(4) Where a heating oil delivery service company fails to have or maintain the insurance coverage or guarantee of financial responsibility required in subsection (1), the company shall cease all deliveries of heating oil on January 1, 2003 or as of the day following the last day of insurance coverage or guarantee of financial responsibility.

PART VI LICENSURE OF INSPECTORS

Licensure

20. (1) A person shall not carry out an inspection for the purpose of registering or maintaining the registration of a system unless that person holds a valid inspector's licence.

(2) An applicant for an inspector's licence shall

(a) complete and submit an application in the form and in the manner acceptable to the administrator;

(b) hold the certification required by the administrator;

(c) complete any additional training and examination programs designated by the administrator to the satisfaction of the administrator;

(d) submit a certificate of insurance coverage to be valid during the entire period of the licence for the inspector's liability for bodily injury and property damage, including damages arising from a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, during the period of insurance with not less than \$2,000,000 coverage per occurrence; and

(e) submit proof that the insurance required under paragraph (d) contains a statement that insurance coverage may not be cancelled except upon 30 days prior written notice to the administrator.

(3) The administrator may issue a licence to an inspector and may attach those terms and conditions to that licence that he or she considers necessary.

- (4) A licensed inspector shall
 - (a) comply with the terms and conditions of his or her licence;
 - (b) recommend only necessary repairs to, or replacement of, a system; and
 - (c) comply with these regulations.
- (5) A licence issued under this section shall expire
 - (a) 12 months following the date of issue of the licence, or
 - (b) at the end of the period for which there is insurance coverage as required under paragraph (2)(d)whichever is less.

Investigation

21. The administrator may conduct those investigations into the operations of a licensed inspector that he or she considers necessary.

Suspension or
revocation of
licensure

22. (1) The administrator may suspend or revoke the licence of an inspector where he or she believes that the inspector has

- (a) failed to comply with the terms and conditions of his or her licence;
- (b) acted improperly in recommending unnecessary repairs or replacement of a system; or
- (c) contravened these regulations.

(2) Where the insurance required under section 20 ceases to be in effect, the administrator shall revoke the licence of the inspector.

(3) Notice of suspension or revocation of a licence under this section may be given

- (a) by personal service; or
- (b) by registered or certified mail to the last known address of the inspector shown in the records of the administrator.

(4) A notice mailed under subsection (3) shall be considered to have been served on the inspector

(a) on the date the inspector actually receives the notice; or

(b) 5 days after the date of mailing

whichever is earlier.

(5) Where the administrator suspends or revokes the licence of an inspector, the administrator shall, within 30 days, provide written notice of that suspension or revocation to the insurance company which provided the insurance under section 20.

(6) An inspector whose licence has been suspended or revoked by the administrator under this section may, in writing, within 30 days of being served the notice of that suspension or revocation under subsection (4), appeal that decision to the minister and the minister may confirm, vary or rescind that suspension or revocation.

(7) An appeal to the minister under subsection (6) does not affect the decision of the administrator, which shall remain in effect until the decision of the minister.

(8) A notice of a decision of the minister under subsection (6) shall be given in the manner described in subsections (3) and (4).

(9) A decision of the minister under subsection (6) may, within 30 days of service upon the inspector who appealed the decision of the administrator, be appealed to a judge of the Trial Division and that appeal does not affect the decision of the minister, which shall remain in effect until the decision of a judge of the Trial Division.

PART VII GENERAL

Fees and forms

23. The administrator may set fees and prescribe forms necessary for the administration of these regulations.

Commencement

24. Except as otherwise noted, these regulations shall come into force on April 1, 2002.

Repeal **25. The *Heating Oil Storage Tank System Regulations*, Newfoundland and Labrador Regulation 27/02, are repealed.**

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NEWFOUNDLAND AND LABRADOR REGULATION 61/03

Storage of PCB Wastes Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-228)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|--|
| 1. Short title | 5. Inspection and repair by owners and operators |
| 2. Definitions | 6. Warning signs and labels |
| 3. Storage sites | 7. Records |
| 4. Owners and operators of storage sites | 8. Submission to minister |
| | 9. Repeal |

Short title

1. These regulations may be cited as the *Storage of PCB Wastes Regulations, 2003*.

- Definitions
- 2.** In these regulations
- (a) "Act" means the *Environmental Protection Act*;
 - (b) "chlorobiphenyls" or "PCB's" means the chlorobiphenyls that have the molecular formula $C_{12}H_{10-n}Cl_n$ in which "n" is greater than 2;
 - (c) "minister" means the minister appointed under the *Executive Council Act* to administer the Act;
 - (d) "PCB equipment" means a manufactured item that contains or contained PCB liquids or PCB solids and includes a container;
 - (e) "PCB liquid" means a liquid containing more than 50 parts per million by weight of chlorobiphenyls;
 - (f) "PCB solid" means a material or substance other than PCB liquid that contains chlorobiphenyls at a concentration greater than 50 parts per million by weight and includes contaminated materials and solids;
 - (g) "PCB wastes" include PCB liquids, PCB solids and PCB equipment that have been taken out of service for the purpose of disposal; and
 - (h) "storage site" means a place or property that is used to store PCB wastes.
- Storage sites
- 3.** (1) These regulations apply to all storage sites containing
- (a) PCB's in a quantity exceeding 1.0 kilogram;
 - (b) PCB liquids of a volume greater than 100 litres; or
 - (c) PCB solids of a weight greater than 100 kilograms.
- (2) For the purpose of determining whether the quantity, volume or weight of PCB's, PCB liquids or PCB solids exceeds the amount specified in subsection (1), the total amounts stored at all locations within or around the same place or property shall be added together.

- Owners and operators of storage sites
- 4.** An owner or operator of a storage site shall ensure that
- (a) a fire control and emergency procedures plan, approved by the local fire department, is in effect;
 - (b) every indoor PCB storage site is equipped
 - (i) with a continuously monitored fire alarm system,
 - (ii) with portable or flood type fire extinguishers,
 - (iii) with materials for clean-up, such as sorbent or solvents, or
 - (iv) with such combination of (i), (ii) and (iii) as the minister considers necessary; and
 - (c) the local fire department is provided with a current inventory of PCB wastes and their location on the storage site.

- Inspection and repair by owners and operators
- 5.** An owner or operator of a storage site shall comply with the following knowledge, inspection and repair requirements:
- (a) know and understand
 - (i) the guidelines for the management of wastes containing PCB's issued by the Canadian Council of Ministers of the Environment, and
 - (ii) current PCB waste management procedures and the use of personnel protection equipment and clean-up techniques;
 - (b) inspect monthly all PCB storage sites, including PCB equipment, floors, drains, drainage systems, fire prevention apparatus, personnel protection equipment and security fences, and repair or replace immediately, if required; and
 - (c) immediately repair containers or equipment found to be leaking PCB's and immediately clean up a contaminated area.

Warning signs and
labels

6. An owner or operator of a storage site shall ensure that

- (a) capacitors containing one kilogram or more of chlorobiphenyls shall be labelled with either Environment Canada's serialized, black and white "PCB CAUTION" label, measuring 76 millimetres by 76 millimetres, or a reasonable alternative;
- (b) electrical transformers, electromagnets and other equipment containing chlorobiphenyls in a concentration exceeding 1% shall be labelled with either Environment Canada's serialized, black and white "ATTENTION PCB" label, measuring 150 millimetres by 150 millimetres, or a reasonable alternative;
- (c) equipment containing chlorobiphenyls in a concentration exceeding 50 parts per million by weight but not greater than 1% shall be labelled with either Environment Canada's non-serialized "Warning Label for PCB-Contaminated Equipment" or a reasonable alternative;
- (d) drums containing chlorobiphenyls or material containing chlorobiphenyls in a concentration exceeding 50 parts per million by weight shall be labelled with Environment Canada's non-serialized, black and white "ATTENTION PCB" label, measuring 150 millimetres by 150 millimetres, or a reasonable alternative;
- (e) doors to storage sites, fencing and other security barriers enclosing storage sites shall be labelled with the Act's certificate of approval number on a sign with 50 millimetres or larger letters and Environment Canada's non-serialized, black and white "ATTENTION PCB" label, measuring 150 millimetres by 150 millimetres, or a reasonable alternative; and
- (f) signs and labels referred to in this section must be maintained in a condition satisfactory to the minister.

Records

7. An owner or operator of a storage site shall maintain books and records respecting

- (a) an inventory of each item of PCB waste and the quantity of PCB's contained in each item at the storage site on the effective date of these regulations;
- (b) each item of PCB waste received at the storage site after the effective date of these regulations and those books and records shall indicate with respect to each item the
 - (i) date of receipt of the PCB waste,
 - (ii) description of the PCB waste including the nameplate description, serial numbers, PCB registration number and quantity,
 - (iii) condition of the PCB waste,
 - (iv) source of the PCB waste,
 - (v) name of the carrier of the PCB waste, and
 - (vi) name of the individual who accepted receipt of the PCB waste;
- (c) each item of PCB waste removed from the storage site and those books and records shall indicate with respect to those removed items the
 - (i) date of removal of the PCB waste,
 - (ii) description of the PCB waste including the nameplate description, serial numbers, PCB registration number and quantity,
 - (iii) condition of the PCB waste,
 - (iv) name of the carrier of the PCB waste,
 - (v) destination of the PCB waste, and
 - (vi) name of the individual authorizing the transport of the PCB waste; and

(d) reports of monthly inspections and action taken as required under paragraph 5(b) or (c).

Submission to
minister

8. Every owner or operator of a storage site shall submit to the minister copies of the records specified in paragraphs 7(b) and (c) on January 1 and July 1, annually.

Repeal

9. The *Storage of PCB Wastes Regulations, Consolidated Newfoundland and Labrador Regulation 798/96*, are repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 62/03

Gasoline Volatility Control Regulations, 2003
under the
Environmental Protection Act
(O.C. 2003-229)

(Filed May 23, 2003)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|---|
| 1. Short title | 5. Service of gasoline at different latitudes |
| 2. Definitions | 6. Annual report |
| 3. Requirement for provincially refined gasoline | 7. Offence |
| 4. Requirement for imported gasoline | 8. Repeal |
- Schedule

Short title

1. These regulations may be cited as the *Gasoline Volatility Control Regulations, 2003*.

2. In these regulations

Definitions

- (a) "gasoline" means a liquid product of petroleum that has a flash point below 37.8° Celsius and is designed primarily for use in an internal combustion engine; and
- (b) "storage facility" means one or more storage tanks, including the appurtenances of them where gasoline is received by pipeline, tanker ship, tanker truck or tanker trailer and is stored in bulk for subsequent transmission by pipeline, tanker ship, tanker truck or tanker trailer.

Requirement for provincially refined gasoline

3. A person, whether being the owner of a refinery or its operator, who refines in this province gasoline intended for use in this province as a fuel for motor vehicles shall not cause or permit the gasoline to leave the refinery if the gasoline has a vapour pressure which does not comply with the values for vapour pressure specified in the Schedule, during the times and for the applicable areas noted in the Schedule.

Requirement for imported gasoline

4. A person who imports gasoline intended for use in this province as a fuel for motor vehicles shall not cause or permit delivery or transfer of the gasoline to a storage facility if the gasoline has a vapour pressure which does not comply with the values for vapour pressure specified in the Schedule, during the times and for the applicable areas noted in the Schedule.

Service of gasoline at different latitudes

5. (1) The minister may permit the owner of a storage facility located north of latitude 49° north to service customers located at or south of latitude 49° north by providing those customers with gasoline meeting the values under Class I of the Schedule, subject to the terms and conditions that are considered necessary.

(2) Notwithstanding subsection (1), the information supplied to the minister, in accordance with an application under that subsection, shall include but not be limited to the names and locations of the customers to be serviced, their anticipated gasoline consumption during the period May 16 to September 15, both days inclusive, and the percentage of gasoline throughput that this activity will represent for the owner's storage facility during that same time period.

(3) Notwithstanding subsection (1), a ministerial permit will not be issued where the anticipated gasoline consumption of customers referred to in that subsection exceeds a value of 50% of gasoline

throughput for the owner's storage facility during the specified time period.

Annual report

6. (1) An owner or operator of a refinery, an importer of gasoline into the province and a person to whom a ministerial permit has been issued under section 5 shall submit to the department an annual report for each calendar year in a form acceptable to the department by March 31 in the year immediately following.

(2) The information contained in the annual report shall include

(a) the quantity and the vapour pressure of gasoline refined, shipped to or otherwise intended for use in this province;

(b) in the case of an owner of a storage facility issued a permit under subsection 5(1), the quantity and vapour pressure of the gasoline put through their facility as well as the actual, rather than anticipated, data as required under subsection 5(2); or

(c) other information that the minister may require.

Offence

7. (1) A person who contravenes or fails to comply with any provision of these regulations is guilty of an offence and is liable on summary conviction

(a) for a first offence

(i) in the case of an individual to a fine not less than \$500 and not more than \$10,000,

(ii) in the case of a corporate body, including a partnership of corporations, to a fine not less than \$2,500 and not more than \$50,000;

(b) for a second or subsequent offence

(i) in the case of an individual to a fine not less than \$2,000 and not more than \$10,000,

(ii) in the case of a corporate body, including a partnership of corporations, to a fine not less than \$10,000 and not more than \$50,000.

(2) Where an offence under these regulations is committed on more than one day or is continued for more than one day it shall be considered to be a separate offence for each day or part day on which the offence is committed or continued.

Repeal

8. The *Gasoline Volatility Control Regulations, Consolidated Newfoundland and Labrador Regulation 6/96*, are repealed.

Schedule

MAXIMUM GASOLINE VAPOUR PRESSURE		
	CLASS 1	CLASS II
JANUARY	107	107
FEBRUARY	107	107
MARCH	107	107
APRIL	107	107
MAY	97	97/72
JUNE	86	72
JULY	86	72
AUGUST	97	72
SEPTEMBER	107	72/97
OCTOBER	107	107
NOVEMBER	107	107
DECEMBER	107	107

NOTES:

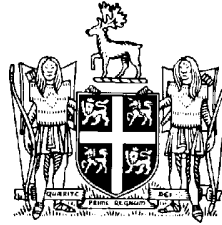
1. Class I applies to all areas of Newfoundland and Labrador north of latitude 49° north including any gasoline storage facilities which have not received a permit under subsection 5(1).

2. Class II applies to all areas of Newfoundland and Labrador that are located, or are serviced from a storage facility which is located, at or south of latitude 49° north.

3. Where 2 values for maximum gasoline vapour pressure are indicated for the same month, the first value shall apply to the first 15 days and the second value shall apply to the remainder of the month.

4. The vapour pressure of gasoline shall be determined in accordance with procedures that are recognized as acceptable under the latest edition of CAN/CGSB-3.5 standard for unleaded automotive gasoline.

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NEWFOUNDLAND AND LABRADOR REGULATION 63/03

Well Drilling Regulations, 2003
under the
Water Resources Act
(O.C. 2003-221)

(Filed May 23, 2003)

Under the authority of section 64 of the *Water Resources Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|------------------------------------|--|
| 1. Short title | 12. Access to well under or adjacent to building |
| 2. Definitions | 13. Pipe standard |
| 3. Application and licence | 14. Flowing well |
| 4. Conditions | 15. Pump |
| 5. Application for a licence | 16. Connection below surface |
| 6. Marking of machinery | 17. Water control area |
| 7. Prohibition | 18. Maintenance of well and abandoned well |
| 8. Surface water | 19. Prohibition re waste disposal |
| 9. Contamination | 20. Water yield |
| 10. Distance from cesspool | 21. Domestic test |
| 11. Sanitary landfill garbage dump | 22. Non-domestic test |

Short title	<p>23. Repeal</p> <p>1. These regulations may be cited as the <i>Well Drilling Regulations, 2003</i>.</p>
Definitions	<p>2. In these regulations</p> <p>(a) "abandoned well" means a well that is not being used or maintained for future use as a well;</p> <p>(b) "Act" means the <i>Water Resources Act</i>;</p> <p>(c) "air vent" means an outlet at the upper end of the well casing that allows for equalization of air pressure between the inside of the well casing and the atmosphere, and for the release of gases from the well;</p> <p>(d) "bedrock" means the solid rock underlying unconsolidated material such as sand, gravel and clay;</p> <p>(e) "casing" means pipe or tubing installed in a well to support the sides of the well;</p> <p>(f) "date of completion" means the date on which the well construction equipment is removed from the site of the well;</p> <p>(g) "flowing well" means a well that has a static level above the surface of the ground; and</p> <p>(h) "static water level" means the level attained by water in or from a well when no water is being taken from the well.</p>
Application and licence	<p>3. An application for a licence under the Act shall be in the form required by the minister.</p>
Conditions	<p>4. (1) A licence to carry on the business of drilling water wells shall be issued</p> <p>(a) where the applicant is not a corporation, if he or she has successfully completed specialized training in well drilling from an institution approved by the minister and has completed not less than one year apprentice training under the supervision of a licensed well driller; or</p>

- (b) where the applicant has participated in the drilling of not less than 50 wells during the 2 years immediately preceding his or her applying for the licence and successfully passes a written examination which the department responsible for the Act shall give and administer; and
- (c) where the applicant is a corporation, that corporation has in its full time employ a person with the training or experience indicated in paragraph (a) or (b).

(2) An applicant for a licence shall use equipment for drilling groundwater wells that is designed for that purpose and which complies with well drilling industry standards.

Application for a licence

5. (1) A person shall apply to the minister for a licence in the required form and shall provide the required fees.

(2) The minister may also require of an applicant other information that he or she considers necessary.

(3) Subject to section 82 of the Act, a well driller who has complied with the provisions of the Act and these regulations may obtain a renewal of his or her licence by applying to the minister no later than 15 days before the expiry of his or her licence in the manner described in subsection (1).

Marking of machinery

6. The owner of a machine used for well drilling shall mark that machine with his or her name, address and licence number in letters not less than 10 centimetres high.

Prohibition

7. A person shall not transfer to another person a licence held under the Act and these regulations.

Surface water

8. (1) A well driller shall not construct a well in a manner or location that would allow surface water to enter the well.

(2) Where a well is located in a place where surface water will pass over or near the opening of the well, the well driller shall fill the area immediately surrounding the well with clay or clean earth for a distance of at least 5 metres in all directions from the well opening and shall grade it to an elevation of at least 60 centimetres above the highest known surface water level.

(3) A well driller shall locate a well so that it is accessible for cleaning, treatment, repair, testing and inspection.

(4) The owner of a well is responsible in the same manner as the well driller for compliance with the provisions of subsections (1), (2) and (3).

Contamination

9. (1) A well driller shall locate a well a sufficient distance away from sources of pollution to prevent contamination of the well by groundwater flow or seepage.

(2) Except where permeability tests taken indicate or, if taken as required would indicate, that a greater distance should be maintained, a well driller shall not construct a well within the distances specified below from the sources of pollution named below:

Source of Pollution	Distance
Cesspool (receiving raw sewage)	30 m
Seepage (leaching) pit, filter bed, soil absorption field, earth pit privy, or similar disposal unit	16 m
Septic tank, concrete vault privy, sewer of tightly jointed tile or equivalent material, or sewer connected foundation drain	16 m
Sewer of cast iron with leaded or approved mechanical joints, independent clean water drain, or cistern	3 m
Pumphouse floor drain, cast iron with leaded joints, draining to ground surface	1 m

Distance from cesspool

10. (1) A well driller shall not locate a well within 60 metres of a cesspool or seepage pit that is more than 4 metres deep unless the well is cased in a manner adequate to prevent seepage from the cesspool or seepage pit into the well.

(2) Where a cesspool or seepage pit is constructed within 60 metres of an existing well, the well driller shall case the well as required under section 13 and shall reconstruct the well to standards approved by the minister or, if the reconstruction is not possible, the well shall be abandoned in accordance with section 18.

(3) A person shall not construct a source of pollution nearer to a well than the distances prescribed by subsection 9(2) unless the well is abandoned.

Sanitary landfill
garbage dump

11. Where there is a sanitary landfill, garbage dump or other massive source of contamination so near to the site of a proposed well that it might contaminate the well, the well driller shall not commence construction or construct the well until he or she has obtained written approval for that construction from the minister.

Access to well
under or adjacent to
building

12. (1) A well driller shall not locate a well under a building unless provision is made in the construction of the building to allow access to the well for cleaning, treatment, repair, testing and inspection of the well.

(2) A well driller who locates a well adjacent to a building shall locate it so that the centre line of the well extended vertically will clear a projection from the building by not less than 2 metres.

Pipe standard

13. (1) A well driller shall install casing of standard pipe size and weight according to the specifications of the Canadian Society of Testing Materials (CSTM), or the American Society of Testing Materials (ASTM)

(a) of new material; and

(b) of sufficient length to prevent contamination of water in the well.

(2) Where, notwithstanding compliance with paragraphs (1)(a) and (b), contamination of water exists in the well, the well driller shall

(a) firmly seat the casing in bedrock at a depth specified by the minister;

(b) surround the casing with a cement grout not less than 5 centimetres in thickness; or

(c) carry out remedial action that may be decided by the minister.

(3) Immediately upon completion of the well, the well driller shall thoroughly clean all foreign substances from the well and shall disinfect the well using a method approved by the minister.

(4) When the drilling and disinfection of a well is completed, the well driller shall seal the upper open end of the casing with a commercially manufactured well seal or by capping of a type approved by the minister in a manner sufficient to prevent contamination of the well until a pump is installed.

(5) The well driller shall take all reasonable precautions to prevent a well from flowing out of control, particularly in areas of the province that in the opinion of the minister have a history of flowing wells.

(6) The well driller shall, before commencing the drilling of a well, investigate whether the area of the province, in which he or she proposes to drill, has a history of flowing wells.

Flowing well

14. The owner of a flowing well shall ensure that the well is at all times fitted with a capping device or equipped with some other device of a type approved by the minister that prevents or minimizes the flow of water to waste.

Pump

15. (1) When a pump is installed in a well, other than a well in which a packer type pump is installed or in which the casing is used as the suction pipe, the person who installs the pump shall install an air vent that has an inside diameter of not less than 6 millimetres and that extends at least 30 centimetres above the land surface at the opening of the well with the open end shielded and screened to prevent the entry into the air vent of a substance that might impair the quality of the water in the well.

(2) When a pump is installed in a well, the person who installs the pump shall

(a) seal the top of the well casing with a well cap commercially manufactured for the purpose and of a type approved by the minister; and

(b) disinfect the pump before installation by a method approved by the minister.

Connection below
surface

16. When a connection to the casing of a well is made below the surface of the ground, the person who makes the connection shall make the connection watertight by means of a well seal commercially manufactured for the purpose of a type approved by the minister.

Water control area

17. (1) The minister may designate an area of the province as a water control area by publishing a notice in the *Gazette* and advertising in one newspaper of general circulation in the area.

(2) Where, in the course of drilling a well in a water control area, salty, sulphurous or other water that might impair the quality of potable groundwater is encountered, the well driller shall seal off that water by a method approved by the minister.

Maintenance of well
and abandoned well

18. (1) The owner of a well shall maintain the well at all times after its completion date in a manner sufficient to prevent the entry of surface water and other foreign materials into the well.

(2) The owner of a well not in use shall cap the well with a device commercially manufactured and of a type approved by the minister sufficient to prevent the entry of a substance that might impair the quality of water in the well.

(3) Where a well is dry or abandoned and its continued existence might result in the impairment of groundwater, the owner shall fill and seal the well in a manner sufficient to prevent the vertical movement of water in it by a method approved by the minister.

Prohibition re waste
disposal

19. A person shall not use a well for waste disposal without the written approval of the minister.

Water yield

20. A well driller shall not complete the construction of a well without performing an adequate test to determine the yield of water from the well.

Domestic test

21. (1) Where a well is intended to supply water for domestic purposes to a single family dwelling unit, an adequate test for the purpose of section 20 shall be either a bail test of not less than one hour duration or a pump test of not less than one hour duration or an air lift test of not less than one hour duration.

(2) A test made under subsection (1) shall be performed in a manner approved by the minister.

Non-domestic test

22. (1) Subject to subsection (3), where a well is intended to supply water for a purpose other than that set out in section 21, an adequate test for the purpose of section 20 shall be a pump test of 6 to 72 hour duration depending upon the size of the proposed water supply system.

(2) The test made under subsection (1) shall include recovery measurements.

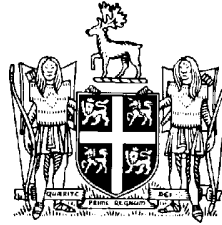
(3) The test and measurements made under this section shall be conducted in a manner approved by the minister.

(4) The results of any test or measurements made under this section shall be reported to the minister in the form required by the minister within 30 days of the completion of the test.

Repeal

23. The *Well Drilling Regulations, Consolidated Newfoundland and Labrador Regulation 974/96*, are repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 64/03

Water Power Rental Regulations, 2003
under the
Water Resources Act
(O.C. 2003-230)

(Filed May 23, 2003)

Under the authority of sections 29 and 64 of the *Water Resources Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|----------------|-----------|
| 1. Short title | 4. Rates |
| 2. Definition | 5. Repeal |
| 3. Application | |

Short title **1.** These regulations may be cited as the *Water Power Rental Regulations, 2003*.

Definition **2.** In these regulations, "water use licence" means a licence to divert or use water for water power generation issued under the *Water Resources Act*.

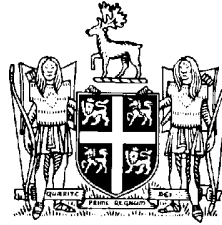
- Application
3. These regulations apply to water power generated under
- (a) a water power licence or a water use licence issued or renewed on or after the date the *Water Power Rental Regulations* under the Crown Lands Act or these regulations came into effect; and
 - (b) the water use licences for the
 - (i) Rattle Brook Hydroelectric Power Generating Plant at Rattle Brook, located on the northeast edge of the Long Range Mountains, Northern Peninsula near the Town of Jackson's Arm,
 - (ii) Rose Blanche Brook Hydroelectric Power Generating Plant at Rose Blanche Brook, located on the southwest coast of the Island of Newfoundland near the Town of Rose Blanche-Harbour Le Cou,
 - (iii) Star Lake Hydroelectric Power Generating Plant at Star Lake, located in central Newfoundland, on the east side of the Long Range Mountains, and
 - (iv) Tors Cove/Rocky Pond Hydroelectric Power Generating Plants at Tors Cove Pond and Southern Rocky Pond, located on the east coast of the Avalon Peninsula near the Local Service District of Tors Cove.

- Rates
4. (1) The annual rent for a water use licence shall be \$0.80 per megawatt hour of power generated.
- (2) The annual rental rate in subsection (1) shall be effective from the date of first generation of power, whether it is before or after the date the *Water Power Rental Regulations* under the *Crown Lands Act* came into effect.
- (3) Notwithstanding subsection (2), the annual rent for the water use licence referred to in subparagraph 3(b)(iv) shall be effective from May 28, 1998.

Repeal

5. The *Water Power Rental Regulations*, Newfoundland and Labrador Regulation 4/01 are repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 65/03

Environmental Control Water and Sewage Regulations, 2003
under the
Water Resources Act
(O.C. 2003-231)

(Filed May 23, 2003)

Under the authority of section 64 of the *Water Resources Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 21, 2003.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|------------------------------------|---|
| 1. Short title | 7. Discharge not construed by regulations |
| 2. Definitions | 8. Analysis procedures |
| 3. Sewage discharge compliance | 9. Sampling |
| 4. Discharge of materials | 10. Monitoring |
| 5. Specified discharge prohibition | 11. Repeal |
| 6. Specified discharge prohibition | Schedule A |
| | Schedule B |

Short title

1. These regulations may be cited as the *Environmental Control Water and Sewage Regulations, 2003*.

2. In these regulations

Definitions

- (a) "Act" means the *Water Resources Act*;
- (b) "composite sample" means a quantity of undiluted effluent collected continually at an equal rate or at a rate proportionate to flow over a designated sampling period; and
- (c) "grab sample" means a quantity of undiluted effluent collected at any given time.

Sewage discharge
compliance

3. A person discharging sewage and other materials into a body of water, public sewer or sewer leading to a public sewer shall comply with the standards, conditions and provisions prescribed in these regulations for the constituents, contents or description of the sewage or other discharged materials.

Discharge of
materials

4. (1) A person shall not discharge sewage or other effluent into a public sewer or a sewer leading to a public sewer containing materials which would obstruct or impede the flow of sewage within the public sewer or impair or interfere with the public sewer or sewage works of that public sewer.

(2) The materials referred to in subsection (1) include oil or by-products of oil, flammable, explosive, toxic, poisonous or corrosive liquids, solids or gases, fats, congealing materials and other substances in quantity which interfere with the free flow within the public sewer.

Specified discharge
prohibition

5. A person shall not discharge into a public sewer or sewer leading to a public sewer, sewage or effluent

- (a) containing a constituent specified in Column 1 of Schedule B having a content in milligrams per litre, parts per million, in excess of the maximum specified in Column 2 of that Schedule;
- (b) having a temperature in excess of 65° Celsius; or
- (c) having a pH value less than 5.5 or greater than 9.0.

Specified discharge
prohibition

6. A person shall not discharge into a body of water sewage or effluent

- (a) containing a constituent specified in Column 1 of Schedule A having a content in milligrams per litre in excess of the maximum specified in Column 2 of that Schedule;
- (b) having a temperature in excess of 32° Celsius;
- (c) having a pH value less than 5.5 or greater than 9.0; or
- (d) a radio-active substance having a gross beta activity before discharge of more than 37 Bq per litre with the exception of
 - (i) radium 226 which shall not exceed 0.37 Bq litre, and
 - (ii) strontium 90 which shall not exceed 0.37 Bq per litre.

Discharge not
construed by
regulations

7. Nothing in these regulations shall be construed to permit the discharge of a pollutant into a body of water.

Analysis procedures

8. Notwithstanding sections 5, 6 and 7, all analytical work in relation to effluent samples and receiving water samples is to be carried out using analytical procedures acceptable to the Assistant Deputy Minister of Environment of the Department of Environment of the Government of Newfoundland and Labrador.

Sampling

9. (1) A person taking effluent samples or receiving water samples shall take them as composite samples or as grab samples.

(2) In the case of composite sampling, all levels are required to be within the appropriate values as established in sections 5 and 6 and Schedules A and B.

(3) In the case of grab sampling, 90% of all levels taken in one month shall be within the appropriate values as established in sections 5 and 6 and Schedules A and B.

Monitoring

10. The minister may, for specific purposes and time periods as he or she may determine, require that a water user or discharger of sewage monitor its effluent for the constituents in sections 4 and 5 and Schedules A and B report the effluent quality.

Repeal

11. The *Environmental Control Water and Sewage Regulations, Consolidated Newfoundland and Labrador Regulation 1078/96*, are repealed.

Schedule A

<i>Column 1 Constituents</i>	<i>Column 2 Maximum Content (in milligrams per litre unless noted)</i>
B.O.D.	20
Coliform - faecal	1000/100 ml
Coliform - total	5000/100 ml
Solids (dissolved)	1000 (see note)
Solids (suspended)	30 (see note)
Oils (Ether extract)	15
Floating debris, oils and grease	None to be visible
Arsenic	0.5
Barium	5.0
Boron	5.0
Cadmium	0.05
Chlorine	1.0
Chromium (hexavalent)	0.05
Chromium (trivalent)	1.0
Copper	0.3
Cyanide	0.025
Iron (total)	10
Lead	0.2
Mercury	.005
Nickel	0.5
Nitrates	10
Nitrogen (ammoniacal)	2.0
Phenol	0.1
Phosphates (total as P ₂ O ₅)	1.0
Phosphorus (elemental)	0.0005
Selenium	0.01

*Environmental Control Water and
Sewage Regulations, 2003*

65/03

<i>Column 1 Constituents</i>	<i>Column 2 Maximum Content (in milligrams per litre unless noted)</i>
Sulfides	0.5
Silver	0.05
Zinc	0.5

156/80 Sch A

Schedule B

<i>Column 1 Constituents</i>	<i>Column 2 Maximum Content (in milligrams per litre)</i>
5-day B.O.D.	300
Chlorine Demand	30
Fats, Oils and Grease (Ether extract)	100
Suspended Solids	350
Boron	5.0
Cadmium	0.05
Chromium (hexavalent)	0.05
Chromium (trivalent)	1.0
Copper	0.3
Cyanide	2.0
Iron	15.0
Lead	0.2
Mercury	0.005
Nickel	0.5
Phenols	0.5
Phosphates (total as P ₂ O ₅)	10.0
Phosphorus (elemental)	0.0005
Zinc	0.5

NOTES:

(1) If water is being abstracted from a water course, used, treated and subsequently returned to the same water course, these solids data mean that the effluent should not contain more than 1000 or 30 milligrams per litre more than was in the water originally abstracted.

(2) 1 bequerel (bq) - 27.03 pico-curies. Bequerel is the SI unit for the measure of radioactivity.

(3) All metal results should be the total of the particulate and the dissolved fractions of that metal and the maximum content is the amount in excess of the background level as determined upstream of the discharge.

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Environmental Assessment Regulations, 2003	NLR 54/03	R & S NLR 48/00	May 30/03, p. 403
Heating Oil Storage Tank System Regulations, 2003	NLR 60/03	R & S NLR 27/02	May 30/03, p. 561
Gasoline Volatility Control Regulations, 2003	NLR 62/03	R & S CNLR 6/96	May 30/03, p. 585
Ozone Depleting Substance Regulations, 2003	NLR 55/03	R & S NLR 120/97	May 30/03, p. 435
Pesticides Control Regulations, 2003	NLR 57/03	R & S CNLR 1166/96	May 30/03, p. 507
Storage and Handling of Gasoline and Associated Products Regulations, 2003	NLR 58/03	R & S CNLR 775/96	May 30/03, p. 523
Storage of PCB Wastes Regulations, 2003	NLR 61/03	R & S CNLR 798/96	May 30/03, p. 579
Waste Management Regulations, 2003	NLR 59/03	R & S NLR 90/99	May 30/03, p. 541

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Water Resources Act			
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Water Power Rental Regulations, 2003	NLR 64/03	R & S NLR 4/01	May 30/03, p. 599
Well Drilling Regulations, 2003	NLR 63/03	R & S CNLR 974/96	May 30/03, p. 591

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