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This draft regulation is provided solely to facilitate public consultation under section 16 of the Environmental Bill of Rights, 1993. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure and form of the draft regulation are subject to change as a result of the consultation process.

ONTARIO REGULATION

made under the

ENVIRONMENTAL PROTECTION ACT

ENVIRONMENTAL PENALTIES

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Purpose

1. The purpose of this Regulation is to provide for the assessment of environmental penalties in a manner that encourages regulated persons to,

- (a) take steps to prevent contraventions;
- (b) take steps to mitigate the effects of contraventions and to prevent their recurrence;
- (c) implement environmental management systems; and
- (d) enter into agreements under subsection 182.1 (9) of the Act to implement measures for the protection of the natural environment beyond the measures required by an Act of Ontario or Canada, by a regulation or instrument under an Act of Ontario or Canada, or by a public body.

Interpretation

2. (1) For the purposes of clause (a) of the definition of “regulated person” in subsection 1 (1) of the Act, a prescribed class of persons is persons who own, are in occupation of or are in charge, management or control of, a plant that,

- (a) is listed in Column 2 of Table 1;
- (b) is a metal mining plant as defined in Ontario Regulation 560/94 (Effluent Monitoring and Effluent Limits — Metal Mining Sector), made under the Act;
- (c) discharges contaminated or potentially contaminated effluent to a surface watercourse or a privately owned sewage works, as defined in section 1 of the *Ontario Water Resources Act*, and
 - (i) processes chemicals into organic chemicals, plastics, or synthetic fibres (organic chemical manufacturing sector),
 - (ii) processes, manufactures, packages or blends inorganic chemicals (inorganic chemical sector),
 - (iii) processes graphite gypsum, quartzite, salt, talc, nepheline syenite, trap rock, limestone, dolomite, sandstone, or any combination of them and includes portland clinker, cement, lime and magnesium (industrial minerals sector),
 - (iv) produces electricity through fossil-fuelled thermal generation, nuclear-powered thermal generation, and plants associated with nuclear plants including heavy water plants and nuclear complex services (electric power generation sector),

- (v) produces newsprint, fine papers, coated papers, paperboard, kraft pulp, linerboard, corrugating medium, kraft paper, tissue, groundwood paper, boxboard, or container board (pulp and paper sector),
 - (vi) refines crude oil or processes petroleum feedstock to produce petroleum products (petroleum sector),
 - (vii) manufactures metallic objects by cooling molten metal in a mould or die (metal casting sector), or
 - (viii) uses iron ore or recycled material to produce steel (iron and steel manufacturing sector); or
- (d) is a plant described in clause (c) that has temporarily suspended operations or temporarily suspended the discharge referred to in that clause.

(2) Despite subsection (1), a person who owns, is in occupation of or is in charge, management or control of a plant described in subsection (1) is not a regulated person if the plant does not discharge contaminated or potentially contaminated effluent other than to a publicly owned sewage works that treats sewage and for which an approval under section 53 of the *Ontario Water Resources Act* has been granted.

(3) In this section,

“cooling water effluent” means water and associated material that is used in an industrial process for the purpose of removing heat and that has not, by design, come into contact with process materials;

“effluent” means process effluent, cooling water effluent, or any combination of process effluent and cooling water effluent;

“process effluent” means any effluent from a plant that is contaminated or potentially contaminated through contact by design with any industrial process;

“process materials”, in relation to a discharger’s plant, means raw materials for use in an industrial process at the plant, manufacturing intermediates produced at the plant, or products or by-products of an industrial process at the plant, but does not include chemicals added to cooling water for the purpose of controlling organisms, fouling and corrosion;

“surface watercourse” means any lake, river, pond, stream, reservoir, swamp, marsh or surface drainage works.

Definitions

3. In this Regulation,

“contravention” means a contravention or failure in respect of which a person may be required to pay an environmental penalty under section 182.1 of the Act;

“Director” means a Director appointed in respect of section 182.1 of the Act;

“EMS” means an environmental management system;

“plant” means an industrial facility and the real property, waste disposal sites and wastewater treatment facilities associated with it;

“public body” means a municipality, local board, conservation authority, ministry, department, board, commission, or agency or official of a provincial or federal government. (“organisme public”);

“toxic substance” means a substance listed in Table 5 of this Regulation or in Schedule 1 to the *Canadian Environmental Protection Act, 1999* (Canada).

Contraventions

4. (1) An order under subsection 182.1 (1) of the Act to pay an environmental penalty shall not be issued for any contravention except as set out in this Regulation.

(2) An order under subsection 182.1 (1) of the Act to pay an environmental penalty may only be issued,

(a) to a regulated person; and

(b) for a contravention that,

(i) takes place at a plant described in subsection 2 (1) or relates to the operations of the plant,

(ii) is described in Column 2 of Table 2, if the circumstances, if any, set out in Column 3 of the Table for the contravention, apply, and

(iii) occurs or continues on or after the date specified in Column 4 of Table 2 in respect of the contravention.

Notice of intention to issue penalty

5. (1) Before issuing an order to a regulated person under subsection 182.1 (1) of the Act, the Director shall give the regulated person a written notice of intention to issue the order that includes the following information:

1. A statement of the Director's intention to issue an order under subsection 182.1 (1) of the Act.
 2. The item number in Table 2 of the contravention to which the proposed order will relate.
 3. The classification of the contravention as a Type 1, 2 or 3 contravention in accordance with Table 2, the classification of the contravention as a less serious, serious or very serious contravention in accordance with sections 10 to 15, and the cell of Table 4 that corresponds to the classifications.
 4. A statement of which factors listed under paragraph 3 of subsection 9 (1) the Director will consider in determining the amount of the gravity component from the range set out in the cell of Table 4 identified under paragraph 3.
 5. In the case of a contravention specified in item 1 of Table 2, a description of the adverse effects that were caused or that may be caused by the contravention.
 6. A description of the days or parts of days on which the contravention occurred or continued in respect of which the Director intends to issue the order, where a day is a 24-hour period.
 7. If appropriate, the location of the contravention.
 8. If the Director is of the opinion that as a result of the contravention, a monetary benefit described in paragraph 1 or 2 of subsection 8 (1) was acquired by the regulated person, the estimated monetary benefit and a summary of how the Director determined the monetary benefit, including the timeframe that was used in the estimate.
 9. Information about the regulated person's right under section 6 to request a reduction to the amount of the environmental penalty and the grounds on which such a reduction may be requested.
 10. Information about the regulated person's right under section 182.1 (18) of the Act to a reduction to the amount of the environmental penalty calculated in accordance with section 17 if, at the time the contravention to which the penalty relates occurred, the regulated person had in place an EMS meeting the requirements set out in Schedule 1.
- (2) A notice of intention given under subsection (1) may apply to one or more contraventions.

(3) The Director may amend a notice of intention after it has been issued by giving the regulated person written notice of the amendment.

Request for review of penalty

6. (1) A regulated person who receives a notice of intention under subsection 5 (1), or an amendment to the notice of intention under subsection 5 (3), may make any one or more of the following requests in writing, within 15 days after the date indicated on the notice of intention or on the amendment, if any, or within such longer period as the Director agrees to in writing:

1. If the notice of intention or amendment includes an estimate of monetary benefit, a request that the Director consider the information included in the request and redetermine the monetary benefit.
2. A request that the Director consider any information included with the request before determining the gravity component of the penalty under section 9.
3. If the notice of intention or amendment relates to a contravention specified in item 1, 3, 4 or 5 of Table 2, a request that the Director, after determining the gravity component of the penalty under section 9, grant a reduction to the component on the grounds that the regulated person,
 - i. took the steps specified in subsection 16 (1) to prevent the contravention, or
 - ii. took the steps specified in subsection 16 (2) to mitigate the effects of the contravention.
4. If the notice of intention or amendment relates to a contravention specified in item 2 or in items 6 to 14 of Table 2, a request that the Director, after determining the gravity component of the penalty under section 9, grant a reduction to the component in accordance with subsection 16 (4) on the grounds that the regulated person took steps to prevent the contravention or to mitigate its effects.
5. A request that the Director, after determining the gravity component of the penalty under section 9, grant a reduction to the component in accordance with section 17 on the grounds that at the time of the contravention to which the penalty relates, the regulated person had in place an EMS meeting the requirements set out in Schedule 1.

(2) If the notice of intention or amendment applies to more than one contravention, a request under subsection (1) may be made in respect of any one or more of the contraventions.

(3) A request made under subsection (1) shall include the following information:

1. For a request under paragraph 3 or 4 of subsection (1), the grounds on which the reduction is requested and a description of the specific steps taken.

2. For a request under paragraph 5 of subsection (1),
 - i. information on the date that the last external EMS audit described in clause 14 (b) of Schedule 1 was completed, and
 - ii. a certification from the person described in clause 14 (b) of Schedule 1, made on or after the date specified under subparagraph i but before the contravention, that the EMS meets all of the requirements of Schedule 1.
3. Despite paragraph 2, for a request described in that paragraph made before May 1, 2008, if an external EMS audit described in clause 14 (b) of Schedule 1 has not been performed, a written statement from a senior manager of the plant that the EMS,
 - i. meets all of the requirements of Schedule 1 other than the requirements in clauses 14 (b) and (c), and
 - ii. was in place at the time of the contravention.
4. For any request under subsection (1), all information and submissions that the regulated person wants the Director to consider with respect to the request.

Amount of environmental penalty

7. (1) The amount of the environmental penalty for a contravention is,

$$A + (B - C)$$

in which,

- “A” is the monetary benefit received by the regulated person as a result of the contravention, as determined under section 8,
- “B” is the gravity component for the contravention, as determined under section 9, and
- “C” is the sum of the reductions to the gravity component, as determined under sections 16 to 18.

(2) If, after determining the environmental penalty for the contravention, the Director determines that the amount of the environmental penalty is, by its magnitude, punitive in nature having regard to all the circumstances, the Director shall reduce the amount of the environmental penalty to an amount that is consistent with promoting internal discipline among regulated persons to comply with the requirements under the Act.

Monetary benefit

8. (1) The following monetary benefits are prescribed for the purpose of paragraph 3 of subsection 182.1 (17) of the Act:

1. Avoided costs, which are costs that the regulated person avoided incurring by failing to comply with a provision described in Table 2. Avoided costs apply in respect of provisions that must be complied with on or by a certain date and that, once that date has passed, cannot be complied with on a future date.
2. Delayed costs, which are costs that the regulated person delayed incurring by delaying compliance with a provision described in Table 2.

(2) If the Director is of the opinion that a regulated person acquired a monetary benefit described in subsection (1), the Director shall,

- (a) determine the timeframe during which the regulated person acquired the monetary benefit; and
- (b) determine the amount of the monetary benefit in accordance with the document entitled “Procedure for the Calculation of the Monetary Benefit Component of Environmental Penalties”, dated September, 2006. The document is available at the Ministry’s Public Information Centre and on the Ministry’s website.

Gravity component

9. (1) The gravity component for a contravention is determined as follows:

1. The Director classifies the contravention as a Type 1, 2 or 3 contravention as indicated in Column 5 of Table 2, and as a less serious, serious, or very serious contravention in accordance with sections 10 to 15.
2. The Director determines the cell of Table 4 that corresponds to the classifications determined under paragraph 1.
3. The Director determines an amount that is within the range set out in the cell, taking into consideration those of the following factors that were indicated under paragraph 4 of subsection 5 (1) in the notice of intention:
 - i. The history of contraventions, if any, of the regulated person under this Act and the *Ontario Water Resources Act*.
 - ii. Whether the regulated person is a member of the Ministry’s Ontario’s Environmental Leaders Program at the time of the contravention.

- iii. The extent of the delay in complying with the requirement that was contravened.
- iv. Whether the extent of the deviation from the requirement that was contravened is in the lower or upper part of the range for the seriousness classification for the contravention, as set out in sections 10 to 15.
- v. Whether the contravention relates to a toxic substance.

(2) Subject to subsection (3), if a contravention occurs on or continues for more than one day, the gravity component for the contravention for each day the contravention occurs or continues is the amount determined under subsection (1).

(3) If a contravention specified in item 7, 10, 12 or 13 of Table 2 occurs on or continues for more than one day, the gravity component for the contravention is the sum of the following:

1. The amount determined under subsection (1) for the first day of the contravention.
2. 50 per cent of the amount determined under subsection (1) for the second to the seventh day on which the contravention occurs or continues.
3. 25 per cent of the amount determined under subsection (1) for the eighth to the 30th day on which the contravention occurs or continues.
4. 10 per cent of the amount determined under subsection (1) for the 31st to the 90th day on which the contravention occurs or continues.
5. 5 per cent of the amount determined under subsection (1) for the 91st day to the 180th day on which the contravention occurs or continues.
6. 2 per cent of the amount determined under subsection (1) for each day after the 180th day on which the contravention occurs or continues.

(4) In subsections (2) and (3), a day is a 24-hour period and a contravention occurs on or continues for more than one day if it occurs on or continues for more than one 24-hour period.

Seriousness of contravention, contravention of s. 14 of the Act

10. (1) The seriousness of a contravention specified in item 1 of Table 2 is classified under this section.

(2) A contravention is less serious if it is not classified as serious or very serious.

(3) A contravention is serious if,

- (a) the contaminant that was discharged contained a toxic substance; or
- (b) the contravention caused or had the potential to cause one or more of the following effects:
 - (i) Localized injury or damage to any animal life.
 - (ii) Widespread or long-term interference with the normal conduct of business.
 - (iii) Widespread or long-term loss of enjoyment of the normal use of property.
 - (iv) Widespread damage to property, other than plant or animal life.
 - (v) Damage to property, other than plant or animal life, such that the property cannot be restored, within a reasonable time, to the condition that existed immediately before the discharge occurred.

(4) A contravention is very serious if the contravention caused or had the potential to cause one or more of the following effects:

1. Widespread injury or damage to plant or animal life.
2. Harm or material discomfort to any person.
3. An adverse effect on the health of any person.
4. The impairment of the safety of any person.

Seriousness of contravention, contravention of s. 93 of the Act

11. (1) The seriousness of a contravention specified in item 2 of Table 2 is classified under this section.

(2) A contravention is classified as less serious if the regulated person did everything practicable to prevent, eliminate and ameliorate the adverse effects resulting from the spill and to restore the natural environment, but did not do so forthwith.

(3) A contravention is classified as serious if the regulated person took steps that had some effect in preventing, eliminating and ameliorating the adverse effects resulting from the spill or in restoring the natural environment.

(4) A contravention is classified as very serious if the regulated person failed to take any effective steps to prevent, eliminate and ameliorate the adverse effects resulting from the spill or to restore the natural environment.

Seriousness of contravention, contravention of discharge limit

12. (1) The seriousness of a contravention specified in item 3, 4 or 5 of Table 2 is classified under this section.

(2) Where the limit specified in the regulation or order requires a discharge to have a pH value,

- (a) the contravention is classified as less serious if the discharge deviates from the pH value by less than 2.0;
- (b) the contravention is classified as serious if the discharge deviates from the pH value by 2.0 or more but less than 3.0; and
- (c) the contravention is classified as very serious if the discharge deviates from the pH value by 3.0 or more.

(3) Where the limit specified in the regulation or order does not relate to pH,

- (a) the contravention is classified as less serious if the limit is exceeded by less than 200 per cent of the limit;
- (b) the contravention is classified as serious if the limit is exceeded by 200 per cent or more but less than 400 per cent of the limit; and
- (c) the contravention is classified as very serious if the limit is exceeded by 400 per cent or more.

Seriousness of contravention, failure of acute lethality test

13. A contravention specified in item 9 of Table 2 is classified as less serious.

Seriousness of contravention, contravention of settlement agreement

14. (1) For a contravention specified in item 14 of Table 2, the seriousness of the contravention is classified under this section if the provision of the agreement that was contravened required the regulated person to take steps to prevent, eliminate or reduce the discharge of a contaminant into the natural environment beyond those required by an Act of Ontario or Canada, by a regulation or instrument under an Act of Ontario or Canada, or by a public body.

(2) A contravention is classified as less serious if the regulated person took all the steps specified by the agreement to prevent, eliminate or reduce the discharge of a contaminant into the natural environment, but not within the time specified in the agreement.

(3) A contravention is classified as serious if the regulated person took some of the steps specified by the agreement to prevent, eliminate or reduce the discharge of a contaminant into the natural environment.

(4) A contravention is classified as very serious if the regulated person failed to take any of the steps specified by the agreement to prevent, eliminate or reduce the discharge of a contaminant into the natural environment.

Seriousness of contravention, other contravention

15. (1) The seriousness of any contravention not specifically mentioned in sections 10 to 14 is classified under this section.

(2) A contravention is less serious if the contravention does not result in an adverse effect or interfere with the Ministry's capacity to protect and conserve the natural environment, or have the potential to do either.

(3) A contravention is serious if the contravention,

- (a) interferes with the Ministry's capacity to protect and conserve the natural environment or has the potential to do so; and
- (b) does not result an adverse effect and does not have the potential to do so.

(4) A contravention is very serious if the contravention results in an adverse effect or has the potential to do so.

Reductions for prevention or mitigation

16. (1) A regulated person who made a request under paragraph 3 of subsection 6 (1) in respect of a contravention specified in item 1, 3, 4 or 5 of Table 2 is entitled to a reduction to the gravity component in an amount determined by the Director that does not exceed 20 per cent of the gravity component if, before the contravention occurred, the regulated person took one or more of the following steps to prevent it:

1. Analysed in writing the likelihood of the contravention to occur and the potential impacts if it occurred.
2. Developed strategies to prevent the contravention based on the analysis referred to in paragraph 1, and documented the implementation of the strategies.
3. Established monitoring and maintenance programs for structures, equipment and mechanisms at the plant for the purpose of preventing the contravention.
4. Constructed or installed containment structures for the purpose of preventing the contravention.

5. Installed and maintained an alarm system or other notification system to alert operators of the plant when the contravention is imminent, and documented procedures for operating the system.
6. Altered or redesigned industrial processes used at the plant for the purpose of preventing the contravention, or installed equipment for the purpose.
7. Trained personnel in the construction, installation, maintenance or operation of any relevant structures, equipment or mechanisms, and in the implementation of any other measures relating to preventing the contravention.

(2) A regulated person who made a request under paragraph 3 of subsection 6 (1) in respect of a contravention specified in item 1, 3, 4 or 5 of Table 2 is entitled to a reduction to the gravity component in an amount determined by the Director that does not exceed 10 per cent of the gravity component, if the regulated person took one or more of the following steps to mitigate the effects of the contravention:

1. Before the contravention occurred,
 - i. installed and maintained an alarm system or other notification system to alert operators of the plant when the contravention occurs,
 - ii. developed procedures to ensure that, in the event of a contravention, appropriate personnel, equipment and material would be available at the plant to respond to the contravention,
 - iii. developed written procedures specifying steps to be taken by personnel when responding to the contravention, or
 - iv. trained personnel in the construction, installation, maintenance or operation of any relevant structures, equipment or mechanisms, and in the implementation of any other measures relating to mitigating the effects of the contravention.
2. After the contravention occurred, promptly deployed appropriate personnel, equipment and material at the plant to respond to the contravention in such a manner as to prevent, eliminate or ameliorate any adverse effects of the contravention to the extent possible.

(3) When the Director makes a determination under subsection (1) or (2) as to the amount of the reduction to grant, he or she may consider, in addition to the steps set out in those subsections, any other steps that the regulated person took to prevent or reduce the risk of a contravention occurring or to mitigate its effects.

(4) A regulated person who made a request under paragraph 4 of subsection 6 (1) in respect of a contravention specified in item 2 or in items 6 to 14 of Table 2 is entitled to a reduction to the gravity component in an amount determined by the Director that does not exceed 30 per cent of the gravity component, if the regulated person took one or more steps to prevent the contravention or to mitigate its effects.

Reduction for EMS

17. In addition to any reduction granted under section 16, the Director shall grant a reduction to the gravity component equal to 5 per cent of the gravity component if, at the time of the contravention, the regulated person had in place an EMS that meets the requirements set out in Schedule 1.

Reduction for agreement with the Director

18. (1) If the regulated person enters into an agreement described in subsection (2) the Director may grant a reduction that does not exceed an amount determined as follows:

$$0.75 \times (B - D)$$

in which,

“B” is the gravity component for the contravention, as determined under section 9, and

“D” is the sum of the reductions to the gravity component, as determined under sections 16 and 17.

(2) An agreement referred to in subsection (1) is an agreement with the Director under subsection 182.1 (9) of the Act that requires the regulated person to take steps to prevent, eliminate or reduce the discharge of a contaminant into the natural environment beyond those required by an Act of Ontario or Canada, by a regulation or instrument under an Act of Ontario or Canada, or by a public body.

Special purpose account

19. The following are prescribed purposes for the purpose of paragraph 3 of subsection 182.2 (3) of the Act:

1. To provide financial assistance to persons or bodies who undertake research, education or outreach activities that relate to,
 - i. spill prevention and response,
 - ii. pollution prevention,
 - iii. adverse effects that are caused or may be caused as a result of the discharge of contaminants into the natural environment, or

- iv. remediation and restoration of the natural environment.
2. To provide financial assistance to persons or bodies who undertake measures to provide assistance to communities in building capacity for spill preparedness and response.

Commencement

20. This Regulation comes into force on May 1, 2007.

TABLE 1
PLANTS THAT ARE REGULATED PERSONS

Item	Column 1	Column 2	Column 3
	Sector	Plant	Location
1.	Electric Power Generation	Atikokan Generating Station	Atikokan
2.	Electric Power Generation	Bruce Bulk Steam System	Tiverton
3.	Electric Power Generation	Bruce Nuclear Generating Station - A	Tiverton
4.	Electric Power Generation	Bruce Nuclear Generating Station - B	Tiverton
5.	Electric Power Generation	Bruce Nuclear Power Development Services - A & B	Tiverton
6.	Electric Power Generation	CM Greenfield Power Corp, As General Partner on behalf of Greenfield Energy Centre L.P., Greenfield Energy Centre	St. Clair Township
7.	Electric Power Generation	Darlington Nuclear Generating Station	Darlington
8.	Electric Power Generation	Lambton Generating Station	Courtright
9.	Electric Power Generation	Lennox Generating Station	Bath
10.	Electric Power Generation	Nanticoke Generating Station	Nanticoke
11.	Electric Power Generation	Pickering Nuclear Generating Station - A & B	Pickering
12.	Electric Power Generation	Thunder Bay Generating Station	Thunder Bay
13.	Electric Power Generation	TransAlta Energy Corporation, North site	Sarnia
14.	Industrial Minerals	3M Canada Inc.	Havelock
15.	Industrial Minerals	Canada Talc Limited	Madoc
16.	Industrial Minerals	Carmeuse Lime (Canada) - Centre Plant	Beachville
17.	Industrial Minerals	Carmeuse Lime (Canada) - East Plant	Beachville
18.	Industrial Minerals	Carmeuse Lime (Canada) - West Plant	Ingersoll
19.	Industrial Minerals	Carmeuse Lime (Dundas) Limited	Dundas
20.	Industrial Minerals	CGC Inc.	Hagersville
21.	Industrial Minerals	Essroc Canada Inc. - Picton Cement Plant	Picton
22.	Industrial Minerals	Georgia-Pacific	Caledonia
23.	Industrial Minerals	Lafarge Canada Inc.	Woodstock
24.	Industrial Minerals	Lafarge Canada Inc. - Bath Cement Plant	Bath
25.	Industrial Minerals	Luzenac Inc.	Timmins
26.	Industrial Minerals	Sifto Canada Inc. (Evaporator Plant)	Goderich
27.	Industrial Minerals	St. Lawrence Cement Inc.	Mississauga
28.	Industrial Minerals	St. Marys Cement Corporation	Clarington
29.	Industrial Minerals	St. Marys Cement Inc.	St. Marys
30.	Industrial Minerals	The Canadian Salt Company Ltd. - Evaporator Plant	Windsor
31.	Industrial Minerals	The Canadian Salt Company Ltd. - Mine	Windsor
32.	Industrial Minerals	Timminco Limited	Haley
33.	Industrial Minerals	Unimin Canada Limited	Badgley Island
34.	Industrial Minerals	Unimin Canada Limited - Blue Mountain Plant	Blue Mountain
35.	Industrial Minerals	Unimin Canada Limited - Nephton Plant	Nephton
36.	Inorganic Chemical	Air Liquide Canada Inc. (Courtright)	St. Clair Township
37.	Inorganic Chemical	Air Products Canada Ltd.	Sarnia
38.	Inorganic Chemical	Cabot Canada Ltd.	Sarnia
39.	Inorganic Chemical	Columbian Chemicals Canada Ltd.	Hamilton
40.	Inorganic Chemical	Cytec Canada Inc.	Niagara Falls
41.	Inorganic Chemical	ETI Explosives Technologies International (Canada), Ltd.	North Bay
42.	Inorganic Chemical	Honeywell ASCA Inc. Plant	Amherstburg

43.	Inorganic Chemical	Nitrochem Corporation	Maitland
44.	Inorganic Chemical	Nitrous Oxide of Canada Limited	Maitland
45.	Inorganic Chemical	Nu-gro Technologies Inc.	Courtright
46.	Inorganic Chemical	Praxair Canada Inc.	Maitland
47.	Inorganic Chemical	Praxair Canada Inc.	Mooretown
48.	Inorganic Chemical	Praxair Canada Inc.	Sault Ste. Marie
49.	Inorganic Chemical	Praxair Canada Inc., Carbon Dioxide Gas Purification Facility	St. Clair Township
50.	Inorganic Chemical	Praxair Canada Inc., Sarnia Air Separation Plant	Sarnia
51.	Inorganic Chemical	Saint-Gobain Ceramic Materials Canada Inc.	Niagara Falls
52.	Inorganic Chemical	Sulco Chemicals Limited	Elmira
53.	Inorganic Chemical	Terra International (Canada) Ltd.	Courtright
54.	Inorganic Chemical	Washington Mills Electro Minerals Corp.	Niagara Falls
55.	Inorganic Chemical	Washington Mills Limited	Niagara Falls
56.	Iron & Steel	Algoma Steel	Sault Ste. Marie
57.	Iron & Steel	Algoma Tubular Inc.	Sault Ste. Marie
58.	Iron & Steel	Dofasco	Hamilton
59.	Iron & Steel	Gerdau Ameristeel Corporation	Whitby
60.	Iron & Steel	Hamilton Steel GP Inc.	Hamilton
61.	Iron & Steel	Heico 2004 Member Inc.	L'Orignal
62.	Iron & Steel	Lake Erie Steel	Nanticoke
63.	Metal Casting	Ford Motor Company of Canada Ltd., Windsor Casting Plant	Windsor
64.	Metal Casting	Kubota Metal Corp., Fahramet Division	Orillia
65.	Metal Casting	Magellan Aerospace Corporation	Haley
66.	Organic Chemical	Basell Canada Inc.	St. Clair Township
67.	Organic Chemical	BP Canada Energy Company	Sarnia
68.	Organic Chemical	Canada Commercial Services L.P.	Maitland
69.	Organic Chemical	Canada Commercial Services L.P.	St. Clair Township
70.	Organic Chemical	Chemtura Canada Co.	Elmira
71.	Organic Chemical	Chinook Group Limited	Sombra
72.	Organic Chemical	Dow Chemical Canada Inc., LaSalle Rd.	St. Clair Township
73.	Organic Chemical	Dow Chemical Canada Inc., Sarnia Site	Sarnia
74.	Organic Chemical	Durez Canada Company Ltd.	Fort Erie
75.	Organic Chemical	Ethyl Canada Inc., Sarnia Plant	St. Clair Township
76.	Organic Chemical	GE Plastics Canada Ltd.	Cobourg
77.	Organic Chemical	Goodyear Canada Inc.	Clarington
78.	Organic Chemical	Imperial Oil Chemicals Division	Sarnia
79.	Organic Chemical	Invista Canada Company - Kingston Site	Kingston
80.	Organic Chemical	Invista Canada Company - Maitland Site	Maitland
81.	Organic Chemical	Invista Canada Company - Millhaven Site	Millhaven
82.	Organic Chemical	Lanxess Inc.	Sarnia
83.	Organic Chemical	Liqui-Box Canada Inc.	Whitby
84.	Organic Chemical	Morbern Inc.	Cornwall
85.	Organic Chemical	NOVA Chemicals (Canada) Ltd., Moore Site	Moore Township
86.	Organic Chemical	NOVA Chemicals (Canada) Ltd., St. Clair River Site	St. Clair Township
87.	Organic Chemical	NOVA Chemicals (Canada) Ltd., Styrene II Site	Sarnia
88.	Organic Chemical	OxyVinyls Canada Inc.	Niagara Falls
89.	Organic Chemical	RohMax Canada - Morrisburg Plant	Morrisburg
90.	Organic Chemical	Royal Polymers Ltd.	Sarnia
91.	Organic Chemical	Stepan Canada Inc., Longford Mills	Longford Mills
92.	Organic Chemical	Suncor Energy Products Inc.	St. Clair Township
93.	Petroleum	Imperial Oil Ltd., Nanticoke Refinery	Nanticoke
94.	Petroleum	Imperial Oil Ltd., Sarnia Refinery	Sarnia
95.	Petroleum	NOVA Chemicals (Canada) Ltd., Corunna Site.	St. Clair Township
96.	Petroleum	Petro Canada Products Lubricants Centre	Mississauga
97.	Petroleum	Shell Canada Products, Sarnia Manufacturing Centre	Sarnia
98.	Petroleum	Suncor Energy Products Inc.	Sarnia
99.	Pulp & Paper	Abitibi Consolidated Company of Canada, Fort Frances Division	Fort Frances
100.	Pulp & Paper	Abitibi-Consolidated, Fort William Business Unit	Thunder Bay
101.	Pulp & Paper	Abitibi-Consolidated, Iroquois Falls Division	Iroquois Falls
102.	Pulp & Paper	Abitibi-Consolidated, Thorold Division	Thorold
103.	Pulp & Paper	Bowater Pulp and Paper Canada Ltd.	Thunder Bay

104.	Pulp & Paper	Domtar	Espanola
105.	Pulp & Paper	Georgia-Pacific Canada Inc.	Thorold
106.	Pulp & Paper	Interlake Acquisition Corporation Inc.	St. Catherines
107.	Pulp & Paper	Marathon Pulp	Marathon
108.	Pulp & Paper	Neenah Paper Company of Canada	Terrace Bay
109.	Pulp & Paper	Norampac Inc. Containerboard Division, Red Rock	Red Rock
110.	Pulp & Paper	Norampac Inc., Containerboard Division, Trenton	Trenton
111.	Pulp & Paper	Sonoco Canada Corporation	Quinte West City
112.	Pulp & Paper	St. Marys Paper	Sault Ste. Marie
113.	Pulp & Paper	Strathcona Paper Company	Napanee
114.	Pulp & Paper	Tembec Industries, Pulp Group, Smooth Rock Falls Division	Smooth Rock Falls
115.	Pulp & Paper	Tembec Industries, Pulp Group, Spruce Falls Division	Kapuskasing
116.	Pulp & Paper	Weyerhaeuser Canada Ltd.	Dryden

TABLE 2
CONTRAVENTIONS

Item	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
	Provision of the Act	Description of the contravention	Circumstances	First date on which an environmental penalty may be ordered for the contravention	Type of contravention	Section of this Regulation that specifies the type of consequence
1.	Subclause 182.1 (1) (a) (i)	Contravention of section 14 of the Act (prohibits discharge of a contaminant into the natural environment that causes or may cause an adverse effect)	1. The discharge is to land or water. 2. The discharge is of a pollutant as defined under Part X of the Act.	May 1, 2007	Type 3	10
2.	Subclause 182.1 (1) (a) (ii)	Contravention of section 93 of the Act (duty to mitigate and restore where pollutant is spilled that causes or is likely to cause an adverse effect)	The spill is to land or water.	May 1, 2007	Type 3	11
3.	Subclause 182.1 (1) (a) (iii)	Contravention of a provision of the regulations that establishes or has the effect of establishing a numerical limit, including a limit of zero, on the amount, concentration or level of anything that may be discharged to the natural environment.	1. The contravention is of a provision listed in Column 2 of Table 3, in the regulation named beside the provision in Column 1 of the Table. 2. The discharge includes a toxic substance. 3. No order under this Act and no order or direction under the <i>Ontario Water Resources Act</i> that establishes a numerical limit on the amount, concentration or level of a contaminant that may be discharged into the natural environment has been issued to the regulated person in respect of the contaminant that was discharged.	May 1, 2007	Type 2	12

4.	Subclause 182.1 (1) (a) (iii)	Contravention of a provision of the regulations that establishes or has the effect of establishing a numerical limit, including a limit of zero, on the amount, concentration or level of anything that may be discharged to the natural environment.	<ol style="list-style-type: none"> 1. The contravention is of a provision listed in Column 2 of Table 3, in the regulation named beside the provision in Column 1 of the Table. 2. The discharge does not include a toxic substance. 3. No order under this Act and no order or direction under the <i>Ontario Water Resources Act</i> that establishes a numerical limit on the amount, concentration or level of a contaminant that may be discharged into the natural environment has been issued to the regulated person in respect of the contaminant that was discharged. 	May 1, 2007	Type 1	12
5.	Subclause 182.1 (1) (a) (iv)	Contravention of a provision of an order under the Act that establishes or has the effect of establishing a numerical limit, including a limit of zero, on the amount, concentration or level of anything that may be discharged to the natural environment.	The discharge is to land or water.	May 1, 2007	Type 2	12
6.	Subclause 182.1 (1) (b) (i)	Contravention of a provision of the Act or the regulations, other than a provision referred to in subclause 182.1 (1) (a) (i), (ii) or (iii) of the Act.	<ol style="list-style-type: none"> 1. The spill is to land or water. 2. The contravention is of section 92 of the Act. 	May 1, 2007	Type 2	15
7.	Subclause 182.1 (1) (b) (i)	Contravention of a provision of the Act or the regulations, other than a provision referred to in subclause 182.1 (1) (a) (i), (ii) or (iii) of the Act.	The contravention is of a provision of a regulation listed in Column 1 of Table 3, other than a provision specified in Column 2, 3 or 4 of the Table.	December 1, 2008	Type 1	15
8.	Subclause 182.1 (1) (b) (i)	Contravention of a provision of the Act or the regulations, other than a provision referred to in subclause 182.1 (1) (a) (i), (ii) or (iii) of the Act.	The contravention is of a provision listed in Column 3 of Table 3, in the regulation named beside the provision in Column 1 of the Table.	May 1, 2007	Type 1	15
9.	Subclause 182.1 (1) (b) (i)	Contravention of a provision of the Act or the regulations, other than a provision referred to in subclause 182.1 (1) (a) (i), (ii) or (iii) of the Act.	The contravention is of a provision listed in Column 4 of Table 3, in the regulation named beside the provision in Column 1 of the Table.	May 1, 2007	Type 2	12

10.	Subclause 182.1 (1) (b) (i)	Contravention of a provision of the Act or the regulations, other than a provision referred to in subclause 182.1 (1) (a) (i), (ii) or (iii) of the Act.	The contravention is of section 91.1 of the Act.	December 1, 2008	Type 2	15
11.	Subclause 182.1 (1) (b) (ii)	Contravention of a provision of an order under the Act, other than an order under section 99.1, 100.1 or 150 of the Act, an order of a court or a provision of an order referred to in subclause 182.1 (1) (a) (iv) of the Act.	<ol style="list-style-type: none"> 1. The order requires the regulated person to report a failure to comply with a provision of an order or direction. 2. The order that was not complied with has the effect of establishing a numerical limit, including a limit of zero, on the amount, concentration or level of anything that may be discharged to the natural environment. 	May 1, 2007	Type 2	15
12.	Subclause 182.1 (1) (b) (ii)	Contravention of a provision of an order under the Act, other than an order under section 99.1, 100.1 or 150 of the Act, an order of a court or a provision of an order referred to in subclause 182.1 (1) (a) (iv) of the Act.	<ol style="list-style-type: none"> 1. The order is issued under section 7, 8, 17, 18, or 157.1 of the Act. 2. The circumstances giving rise to the order relate to a discharge or a potential discharge to land or water. 	December 1, 2008	Type 2	15
13.	Subclause 182.1 (1) (b) (ii)	Contravention of a provision of an order under the Act, other than an order under section 99.1, 100.1 or 150 of the Act, an order of a court or a provision of an order referred to in subclause 182.1 (1) (a) (iv) of the Act.	<ol style="list-style-type: none"> 1. The order is issued under section 157 of the Act. 2. The order is issued in response to a contravention specified in this Table, other than a contravention specified in item 5 or 11 of this Table. 	December 1, 2008	Type 2	15
14.	Subclause 182.1 (1) (b) (v)	Contravention of a provision of an agreement under subsection 182.1 (9) of the Act.	N/A	May 1, 2007	Type 2	14

TABLE 3
REGULATIONS RELATING TO SPECIFIC INDUSTRIAL SECTORS

Item	Column 1	Column 2	Column 3	Column 4
	Regulation	Section	Section	Section
1.	Ontario Regulation 560/94 (Effluent Monitoring and Effluent Limits — Metal Mining Sector)	18	37	19
2.	Ontario Regulation 215/95 (Effluent Monitoring and Effluent Limits — Electric Power Generation Sector)	16	34	17
3.	Ontario Regulation 561/94 (Effluent Monitoring and Effluent Limits — Industrial Minerals Sector)	18	36	19
4.	Ontario Regulation 64/95 (Effluent Monitoring and Effluent Limits — Inorganic Chemical Sector)	16	40	17
5.	Ontario Regulation 214/95 (Effluent Monitoring and Effluent Limits — Iron and Steel Manufacturing Sector)	16	39	17

6.	Ontario Regulation 562/94 (Effluent Monitoring and Effluent Limits — Metal Casting Sector)	15	34	16
7.	Ontario Regulation 63/95 (Effluent Monitoring and Effluent Limits — Organic Chemical Manufacturing Sector)	16	40	17
8.	Ontario Regulation 537/93 (Effluent Monitoring and Effluent Limits — Petroleum Sector)	14	32	15
9.	Ontario Regulation 760/93 (Effluent Monitoring and Effluent Limits — Pulp and Paper Sector)	14	33	16

TABLE 4
GRAVITY COMPONENT

		Type of Contravention		
		Type 1 (\$)	Type 2 (\$)	Type 3 (\$)
Type of Consequence	Less Serious	1,000–2,500	10,000–15,000	15,000–25,000
	Serious	2,500–5,000	20,000–30,000	30,000–50,000
	Very Serious	5,000–10,000	40,000–60,000	60,000–100,000

TABLE 5
TOXIC SUBSTANCES

Item	Column 1	Column 2
	Chemical Name	Chemical Abstracts Service Registry Number
1.	1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-trichloro-	87901
2.	1,3,5-Triazine-2,4-diamine, 6-chloro-N-ethyl-N'-(1-methylethyl)-	1912249
3.	1,3-Benzenedicarbonitrile, 2,4,5,6-tetrachloro-	1897456
4.	1,3-Benzenediol, 2,4,6-trinitro-, lead(2+) salt (1:1)	15245440
5.	1,3-Naphthalenedisulfonic acid, 8-[[[3,3'-dimethyl-4'-[[4-[[4-methylphenyl]sulfonyl]oxy]phenyl]azo][1,1'-biphenyl]-4-yl]azo]-7-hydroxy-, disodium salt	6459945
6.	1-Decene, homopolymer, hydrogenated	68037014
7.	1H-Isoindole-1,3(2H)-dione, 2-[(trichloromethyl)thio]-	133073
8.	2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4'-[(2,4-diaminophenyl)azo][1,1'-biphenyl]-4-yl]azo]-5-hydroxy-6-(phenylazo)-, disodium salt	1937377
9.	2-Butenedioic acid (E)-, polymer with α,α' -[(1-methylethylidene)di-4,1-phenylene]bis[ω -hydroxypoly[oxy(methyl-1,2-ethanediy)]]	39382257
10.	2-Naphthalenol, 1-[(4-methyl-2-nitrophenyl)azo]-	2425856
11.	2-Propenoic acid, polymer with (chloromethyl)oxirane and 4,4'-(1-methylethylidene)bis[phenol]	37625937
12.	2-Propenoic acid, polymer with 2-propenamide, sodium salt	25987308
13.	Acetic acid, lead(2+) salt	301042
14.	Alkenes, polymd., chlorinated	68410991
15.	Aluminate, sodium	1302427
16.	Aluminum oxide	1344281
17.	Amines, C12-14-tert-alkyl	68955533
18.	Amines, hydrogenated tallow alkyl, acetates	61790598
19.	Amines, tallow alkyl, ethoxylated	61791262
20.	Antimony oxide	1309644
21.	Benzenamine, 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)-	1582098
22.	Benzenamine, 4,4'-methylenebis[N,N-dimethyl-]	101611
23.	Benzenamine, 4,4'-methylenebis[2-chloro-	101144
24.	Benzenamine, N-phenyl-	122394
25.	Benzene, 2-methyl-1,3,5-trinitro-	118967
26.	Benzene, C10-13-alkyl derivs.	67774747
27.	Benzene, C10-16-alkyl derivs.	68648873
28.	Bromic acid, potassium salt	7758012
29.	C.I. Pigment Red 104	12656858
30.	C.I. Pigment Yellow 34	1344372
31.	C.I. Pigment Yellow 36	37300235
32.	Carbamic acid, 1H-benzimidazol-2-yl-, methyl ester	10605217
33.	Cement, alumina, chemicals	65997162

34.	Cement, portland, chemicals	65997151
35.	Ceramic materials and wares, chemicals	66402684
36.	Chlorine	7782505
37.	Chrysene	218019
38.	Clarified oils (petroleum), catalytic cracked	64741624
39.	Clarified oils (petroleum), hydrodesulfurized catalytic cracked	68333266
40.	Cobalt chloride	7646799
41.	Copper oxide	1317380
42.	Copper oxide	1317391
43.	Creosote	8001589
44.	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1a,2a,3B,4a,5a,6B)-	58899
45.	Cyclosiloxanes, di-Me	69430246
46.	Cyclosporin A	59865133
47.	Distillates (petroleum), acid-treated light	64742149
48.	Distillates (petroleum), acid-treated middle	64742138
49.	Distillates (petroleum), catalytic reformer fractionator residue, intermediate-boiling	68477305
50.	Distillates (petroleum), catalytic reformer fractionator residue, low-boiling	68477316
51.	Distillates (petroleum), chemically neutralized middle	64742309
52.	Distillates (petroleum), clay-treated middle	64742387
53.	Distillates (petroleum), heavy catalytic cracked	64741613
54.	Distillates (petroleum), heavy thermal cracked	64741817
55.	Distillates (petroleum), hydrodesulfurized full-range middle	101316578
56.	Distillates (petroleum), hydrodesulfurized intermediate catalytic cracked	68333277
57.	Distillates (petroleum), hydrodesulfurized light catalytic cracked	68333255
58.	Distillates (petroleum), hydrodesulfurized middle	64742809
59.	Distillates (petroleum), hydrotreated light	64742478
60.	Distillates (petroleum), hydrotreated middle	64742467
61.	Distillates (petroleum), hydrotreated middle, intermediate boiling	68410968
62.	Distillates (petroleum), intermediate catalytic cracked	64741602
63.	Distillates (petroleum), intermediate vacuum	70592766
64.	Distillates (petroleum), light catalytic cracked	64741599
65.	Distillates (petroleum), light distillate hydrotreating process, low-boiling	68410979
66.	Distillates (petroleum), light hydrocracked	64741771
67.	Distillates (petroleum), light thermal cracked	64741828
68.	Distillates (petroleum), light vacuum	70592777
69.	Distillates (petroleum), petroleum residues vacuum	68955271
70.	Distillates (petroleum), solvent-refined middle	64741919
71.	Distillates (petroleum), straight-run middle	64741442
72.	Distillates (petroleum), sweetened middle	64741862
73.	Distillates (petroleum), vacuum	70592788
74.	Ethanamine, 2-[4-[(1Z)-1,2-diphenyl-1-butenyl]phenoxy]-N,N-dimethyl-	10540291
75.	Ethanaminium, N,N,N-trimethyl-2-[(2-methyl-1-oxo-2-propenyl)oxy]-, chloride, polymer with 2-propenamide	35429197
76.	Ethanaminium, N,N,N-trimethyl-2-[(2-methyl-1-oxo-2-propenyl)oxy]-, methyl sulfate, polymer with 2-propenamide	26006224
77.	Ethane, hexachloro-	67721
78.	Ferrate(4-), hexakis(cyano-c)-, tetrasodium, (oc-6-11)-	13601199
79.	Formaldehyde, polymer with 4-(1,1-dimethylethyl)phenol and 4,4'-(1-methylethylidene)bis[phenol]	54579441
80.	Frits, chemicals	65997184
81.	Fuel oil, no. 2	68476302
82.	Fuel oil, no. 4	68476313
83.	Fuel oil, no. 6	68553004
84.	Fuels, diesel	68334305
85.	Fuels, diesel, no. 2	68476346
86.	Gas oils (petroleum), heavy atmospheric	68783084
87.	Gas oils (petroleum), heavy vacuum	64741577
88.	Gas oils (petroleum), hydrodesulfurized	64742796
89.	Gas oils (petroleum), hydrodesulfurized heavy vacuum	64742865
90.	Gas oils (petroleum), hydrotreated vacuum	64742592
91.	Gas oils (petroleum), solvent-refined	64741908
92.	Gas oils (petroleum), straight-run	64741431
93.	Gas oils (petroleum), straight-run, high-boiling	68915979

94.	Gasoline	86290815
95.	Gasoline, natural	8006619
96.	Gasoline, straight-run, topping-plant	68606111
97.	Hydrazine, sulfate (1:1)	10034932
98.	Hydrocarbons, C3-11, catalytic cracker distillates	68476460
99.	Kerosine (petroleum)	8008206
100.	Kerosine (petroleum), hydrodesulfurized	64742810
101.	Lead azide	13424469
102.	Lead oxide	1317368
103.	Lead oxide sulfate	12202174
104.	Lead, bis(acetato-o)tetrahydroxytri-	1335326
105.	Ligroine	8032324
106.	Morpholine, 2,6-dimethyl-4-tridecyl-	24602866
107.	Naphtha	8030306
108.	Naphtha (petroleum), arom.-contg.	68603087
109.	Naphtha (petroleum), catalytic dewaxed	64742661
110.	Naphtha (petroleum), catalytic reformed	68955351
111.	Naphtha (petroleum), chemically neutralized heavy	64742229
112.	Naphtha (petroleum), chemically neutralized light	64742230
113.	Naphtha (petroleum), clay-treated full-range straight-run	68527219
114.	Naphtha (petroleum), full-range alkylate	64741646
115.	Naphtha (petroleum), full-range alkylate, butane-contg.	68527275
116.	Naphtha (petroleum), full-range coker	68513020
117.	Naphtha (petroleum), full-range reformed	68919379
118.	Naphtha (petroleum), full-range straight-run	64741420
119.	Naphtha (petroleum), heavy catalytic cracked	64741544
120.	Naphtha (petroleum), heavy hydrocracked	64741782
121.	Naphtha (petroleum), heavy straight-run	64741419
122.	Naphtha (petroleum), heavy thermal cracked	64741839
123.	Naphtha (petroleum), hydrodesulfurized full-range	92045528
124.	Naphtha (petroleum), hydrodesulfurized heavy	64742821
125.	Naphtha (petroleum), hydrodesulfurized light	64742730
126.	Naphtha (petroleum), hydrotreated heavy	64742489
127.	Naphtha (petroleum), hydrotreated light	64742490
128.	Naphtha (petroleum), light catalytic cracked	64741555
129.	Naphtha (petroleum), light catalytic reformed	64741635
130.	Naphtha (petroleum), light catalytic reformed, arom.-free	68513031
131.	Naphtha (petroleum), light hydrocracked	64741691
132.	Naphtha (petroleum), light straight-run	64741464
133.	Naphtha (petroleum), light thermal cracked	64741748
134.	Naphtha (petroleum), polymn.	64741726
135.	Naphtha (petroleum), solvent-refined light	64741840
136.	Naphtha (petroleum), steam-cracked middle arom.	68516201
137.	Naphtha (petroleum), sweetened	64741873
138.	Naphtha (petroleum), sweetened light	101795011
139.	Naphtha (petroleum), unsweetened	68783120
140.	Naphthenic acids, lead salts	61790145
141.	Naphthenic acids, zinc salts	12001853
142.	Natural gas condensates (petroleum)	64741475
143.	Nickel carbonyl	13463393
144.	Nitric acid ammonium salt	6484522
145.	Octadecanoic acid, 12-hydroxy-, monolithium salt	7620771
146.	Octadecanoic acid, lithium salt	4485125
147.	Oxirane, methyl-, polymer with oxirane	9003116
148.	Petroleum	8002059
149.	Petroleum products, hydrofiner-powerformer reformates	68514794
150.	Phenol, 2,6-bis(1,1-dimethylethyl)-	128392
151.	Phenol, 2-methyl-4,6-dinitro-	534521
152.	Phenol, 4,4'-(1-methylethylidene)bis-, polymer with (chloromethyl)oxirane	25068386
153.	Phenol, 4,4'-(1-methylethylidene)bis-, polymer with (chloromethyl)oxirane and methyloxirane	36484545
154.	Phenol, 4,4'-(1-methylethylidene)bis-, polymer with 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis[oxirane]	25036253
155.	Phenol, pentachloro-	87865

156.	Phenol, pentachloro-, sodium salt	131522
157.	Phenol, polymer with formaldehyde	9003354
158.	Phosphoric acid, aluminum sodium salt	7785888
159.	Phosphorodithioic acid, o,o-di-C1-14-alkyl esters, zinc salts	68649423
160.	Pitch, coal tar, high-temp.	65996932
161.	Potassium iodide	7681110
162.	Quinoline	91225
163.	Raffinates (petroleum), catalytic reformer ethylene glycol-water countercurrent exts.	68410719
164.	Raffinates (petroleum), reformer, Lurgi unit-sepd.	68425354
165.	Residues (petroleum), atm. tower	64741453
166.	Residues (petroleum), atmospheric	68333222
167.	Residues (petroleum), catalytic reformer fractionator	64741679
168.	Residues (petroleum), heavy coker gas oil and vacuum gas oil	68478171
169.	Residues (petroleum), hydrocracked	64741759
170.	Residues (petroleum), hydrodesulfurized atmospheric tower	64742785
171.	Residues (petroleum), light vacuum	68512629
172.	Residues (petroleum), steam-cracked	64742901
173.	Residues (petroleum), thermal cracked	64741806
174.	Residues (petroleum), topping plant, low-sulfur	68607307
175.	Rosin, maleated, polymer with glycerol	68038415
176.	Rosin, maleated, polymer with pentaerythritol	68333697
177.	Selenium sulfide	7446346
178.	Siloxanes and Silicones, di-Me, Me hydrogen, reaction products with polyethylene-polypropylene glycol monoacetate allyl ether	68037649
179.	Sodium cyanide	143339
180.	Sodium sulfide	16721805
181.	Solvent naphtha (petroleum), heavy aliph.	64742967
182.	Solvent naphtha (petroleum), heavy arom.	64742945
183.	Solvent naphtha (petroleum), light aliph.	64742898
184.	Solvent naphtha (petroleum), medium aliph.	64742887
185.	Stoddard solvent	8052413
186.	Sulfuric acid copper(2+) salt (1:1)	7758987
187.	Sulfuric acid, cobalt(2+) salt (1:1)	10124433
188.	Sulfurous acid, monoammonium salt	10192300
189.	Tar, coal	8007452
190.	Tar, coal, low-temp.	65996909
191.	Urea, N'-(3,4-dichlorophenyl)-N,N-dimethyl-	330541
192.	Urea, polymer with formaldehyde	9011056
193.	Urea, polymer with formaldehyde, butylated	68002197
194.	Vanadium oxide	1314621
195.	Zinc, bis[O,O-bis(2-ethylhexyl) phosphorodithioato-S,S']-(T-4)-	4259158

SCHEDULE 1
ENVIRONMENTAL MANAGEMENT SYSTEMS

PART I
ENVIRONMENTAL POLICY

1. The EMS must contain a written environmental policy that outlines the commitment of the plant to,
 - (a) use processes, practices, materials, products and energy that avoid or minimize the creation of pollutants and wastes at the source;
 - (b) continually improve plant operations to reduce the potential for the plant to cause an adverse effect;

- (c) comply with all applicable environmental laws; and
- (d) implement any obligations that relate to the protection and conservation of the natural environment and that the plant has made to the public, the Ministry or an industrial association to which the plant belongs.

2. The environmental policy must be communicated, either orally or in writing, to all personnel of the plant and must be available to the public on request.

PART II

IDENTIFYING ENVIRONMENTAL ASPECTS OF THE PLANT OPERATIONS AND IDENTIFYING LEGAL AND OTHER REQUIREMENTS

3. The EMS must provide for the development and implementation of written procedures to,
- (a) list every process, practice, material, product and energy use over which the plant has control and that may affect the natural environment;
 - (b) identify every process, practice, material, product and energy use identified under clause (a) that may cause an adverse effect;
 - (c) rank the processes, practices, materials, products and energy uses identified in clause (b) based on the significance of their potential adverse effect;
 - (d) ensure that the listing, identification and ranking processes referred to in clauses (a), (b) and (c) occur on an ongoing basis so that the most current processes, practices, materials, products and energy uses are reflected;
 - (e) maintain a record of environmental laws that apply to each process, practice, material, product and energy use identified in clause (b) and of any related obligations referred to in clause 1 (d);
 - (f) ensure that the records referred to in clause (e) are updated on an ongoing basis so that current laws and obligations are reflected, including any changes to the application of laws or to the obligations that result from a decision referred to in section 16 to alter a process, practice, material, product or energy use at the plant; and
 - (g) evaluate the plant's compliance with the environmental laws referred to in clause (e) and ensure that written records of such evaluations are maintained.

PART III
SETTING OBJECTIVES AND TARGETS

4. The EMS must provide for the development and implementation of written procedures respecting the implementation of its environmental policy that includes procedures to,
- (a) establish objectives that contribute to or achieve the commitments referred to in the environmental policy;
 - (b) take into account information gathered from the implementation of the procedures mentioned in section 3 and any input received from members of the public in establishing objectives under clause (a);
 - (c) for each objective established under clause (a), establish one or more quantifiable targets that each represent a step in meeting the objective, and set a deadline for meeting each target;
 - (d) for each target established under clause (c), establish one or more specific measures that need to be implemented to ensure the target is met; and
 - (e) for each measure established under clause (d),
 - (i) identify the persons responsible for implementing the measure, the resources required to implement the measure, and the deadline by which the measure must be implemented, and
 - (ii) require that the persons responsible for implementing a measure periodically report to the senior management of the plant on the progress in the implementation.

PART IV
STRUCTURE, RESPONSIBILITY AND RESOURCES FOR IMPLEMENTATION OF THE
EMS

5. The EMS must provide for the development and implementation of written procedures for receiving and responding to any complaints or inquiries received from the public.
6. The EMS must provide for the development and implementation of a written plan to ensure that adequate financial and human resources are committed to the implementation, maintenance and improvement of the EMS.
7. The EMS must identify an employee at the plant that is responsible for ensuring that all components of the EMS are established and fully implemented at the plant and who periodically reports to the senior management of the plant on the status of the EMS.

**PART V
OPERATIONAL CONTROL AND MONITORING**

8. The EMS must provide for the development and implementation of written procedures governing the operations of the plant to ensure that,

- (a) the operations of the plant comply with all applicable environmental laws; and
- (b) the operations of the plant,
 - (i) do not result in an adverse effect,
 - (ii) do not deviate from the environmental policy, and
 - (iii) are consistent with the objectives, targets and measures established under section 4.

9. The EMS must provide for the development and implementation of written procedures governing the monitoring of operations of the plant to ensure that,

- (a) processes, practices, materials, products or energy uses that have a potential to cause an adverse effect are monitored appropriately;
- (b) equipment related to monitoring the processes, practices, materials, products or energy uses that have a potential to cause an adverse effect is operated appropriately and maintained in a good state of repair; and
- (c) progress toward achievement of objectives and targets is monitored.

**PART VI
EMERGENCY PREPAREDNESS AND RESPONSE**

10. The EMS must provide for the development and implementation of written procedures to,

- (a) identify all circumstances that may result in the spilling of a pollutant;
- (b) prevent, reduce or ameliorate any adverse effects that may result if a spill occurs;
- (c) review and, where practical, test the procedures mentioned in clause (b) on an annual basis and after a spill;
- (d) amend the procedures where appropriate; and

- (e) maintain a written record that describes every spill, the procedure used to respond to the spill, whether the procedure was effective, the results of the review and testing of the procedure that occurred after the spill and any amendment to the procedure as a result of the review and testing.

PART VII
CORRECTIVE AND PREVENTIVE ACTION

11. The EMS must provide for the development and implementation of written procedures to,
- (a) identify circumstances where the plant’s operations and procedures do not conform to the EMS;
 - (b) where non-conformance is identified under clause (a), investigate the causes of the non-conformance and implement a corrective action to resolve the non-conformance and prevent its recurrence;
 - (c) verify that the corrective action was implemented and was effective; and
 - (d) specify other actions to prevent future non-conformances from arising.

PART VIII
TRAINING, AWARENESS AND COMPETENCE

12. The EMS must provide for the development and implementation of written procedures to ensure that all personnel are made aware of their roles and responsibilities, and any changes to them, in respect of the following matters, and receives training in the following matters where appropriate:

1. The plant’s environmental policy.
2. Any potential adverse effects associated with any processes, practices, materials, products and energy uses over which the person has control.
3. The obligations specified under clause 1 (d) that relate to the processes, practices, materials, products and energy uses.
4. Any objective, target or measure established under section 4 that relates to the processes, practices, materials, products and energy uses.
5. Any environmental law that applies to the processes, practices, materials, products and energy uses.

6. The procedures specified in the EMS that apply to the processes, practices, materials, products and energy uses.
7. The actions a person should take in the event they observe a spill.

PART IX
DOCUMENTATION

13. The EMS must provide for the development and implementation of written procedures to,
 - (a) provide for the creation, distribution, maintenance and retention of any records that are necessary to implement the EMS;
 - (b) provide for a process for approval of any amendment to procedures set out in this Schedule; and
 - (c) ensure that the procedures that are part of the EMS are amended as required, that any amendments to procedures are approved in accordance with the approval process mentioned in clause (b) before their implementation and that procedures that are out of date are discarded or archived.

PART X
AUDITS

14. The EMS must provide for the development and implementation of written procedures,
 - (a) for an annual internal audit of the EMS to determine if the EMS meets all of the requirements of this Schedule and is being implemented and maintained;
 - (b) for an external audit of the EMS to determine if the EMS meets all of the requirements of this Schedule and is being implemented and maintained, performed every three years by a person who,
 - (i) is not an employee at the plant or a contractor who routinely works at the plant, and
 - (ii) is competent to perform audits of environmental management systems;
 - (c) to obtain a certification from the person described in clause (b) that the EMS meets all of the requirements of the Schedule and is being implemented and maintained; and
 - (d) for a copy of the external audit referred to in clause (b) and the certification referred to in clause (c) to be retained for three years at the plant and made available to a provincial officer upon request.

15. The EMS must provide for the training of personnel who are involved in developing or implementing an audit required under clause 14 (a) or (b) in respect of the procedures for conducting the audit.

**PART XI
EMS INTEGRATION AND PLANNING**

16. The EMS must provide for the development and implementation of written procedures to ensure that, prior to making a decision to alter a process, practice, material, product or energy use at the plant, an assessment is made of the potential adverse effects that may result from the alteration and of any environmental laws that apply to the alteration.

**PART XII
REVIEW BY SENIOR MANAGEMENT**

17. The EMS must provide for an annual review of the EMS by the senior management of the plant that includes,

- (a) an assessment of the appropriateness of the plant's environmental policy;
- (b) an assessment of the plant's progress in achieving the objectives, targets and measures established under section 4;
- (c) an identification of any alterations at the plant that may affect the ability of the plant to meet its environmental policy and the objectives, targets, and measures;
- (d) a review of the results of the audits referred to in clauses 14 (a) and (b);
- (e) an assessment of the effectiveness of the EMS; and
- (f) from the results of the assessment conducted under clauses (d) and (e), an identification of any improvements that must be made to the EMS.