

1972 Bill 41

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 41

The Clean Air Amendment Act, 1972

MR. CHAMBERS

First Reading

Second Reading

Third Reading

Printed by L. S. Wall, Queen's Printer, Edmonton

BILL 41

1972

THE CLEAN AIR AMENDMENT ACT, 1972

(Assented to _____, 1972)

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

1. *The Clean Air Act is hereby amended.*

2. *Section 1 is amended*

(a) *by striking out clause (e) and by substituting the following clause:*

(e) "Director of Standards and Approvals" and "Director of Pollution Control" mean respectively the Director of the Division of Standards and Approvals of the Department of the Environment and Director of the Division of Pollution Control of the Department of the Environment;

(b) *by adding the following clause after clause (g):*

(g1) "licence" means a licence to operate a plant, structure or thing issued by the Director of Standards and Approvals in accordance with section 4.1 or section 4.2;

(c) *by adding the following clause after clause (h):*

(h1) "permit" means a permit to construct a plant, structure or thing issued by the Director of Standards and Approvals in accordance with section 4 or section 4.2;

3. *Section 3 is struck out and the following section is substituted:*

3. (1) The Minister may make regulations

(a) prescribing the maximum permissible levels of density of any air contaminant for all or any part of Alberta;

(b) prescribing maximum calculated ground level concentration standards for any air contaminant for all or any part of Alberta;

Explanatory Notes

1. This Bill will amend chapter 16 of the Statutes of Alberta, 1971.

2. Changing and adding definitions.

3. Section 3 presently reads:

3. (1) Subject to subsection (2), the Minister may make regulations
 - (a) prescribing maximum permissible levels of density of any air contaminant for all or any part of Alberta, and
 - (b) prescribing methods for determining the density of any air contaminant for the purposes of regulations under clause (a).
- (2) Any maximum permissible level of density of an air contaminant prescribed pursuant to regulations under this section shall not exceed the maximum permissible level of density prescribed under the Provincial Board of Health regulations for that contaminant for the same part of Alberta.

- (c) prescribing the maximum concentration of any air contaminant emitted to the atmosphere from any plant, structure or thing;
- (d) prescribing the maximum weight of any air contaminant emitted to the atmosphere from any plant, structure or thing;
- (e) prescribing the method or type of method, or instrument for measuring
 - (i) the level of density of any air contaminant,
 - (ii) the calculated ground level concentration standard of any air contaminant,
 - (iii) the concentration of any air contaminant emitted to the atmosphere from any plant, structure or thing,
 - (iv) the weight of any air contaminant emitted to the atmosphere from any plant, structure or thing, and
 - (v) the visible emissions from any plant, structure or thing;
- (f) prescribing the method or type of method or instrument for measuring the rate of emission of any air contaminant;
- (g) prescribing the point at which any measurement pursuant to the regulations is to take place in, on or outside any plant, structure or thing;
- (h) defining the word "construction" in section 4 and the regulations and the words "calculated ground level concentration standard" in this section and the regulations;
- (i) authorizing the Director of Standards and Approvals to prepare a visible emission density chart, for the purpose of determining whether any plant, structure or thing is contravening the maximum visible emissions permitted pursuant to clause (j);
- (j) prescribing the maximum visible emissions permitted to be emitted in all or any part of Alberta and for that purpose may divide the Province into areas in such manner as he considers necessary;
- (k) establishing a program for the certification of visible emission readers including
 - (i) the manner in which visible emission readers are taught and certified as qualified visible emission readers,
 - (ii) the issue of certificates,
 - (iii) the regulation of the activities of visible emission readers, and
 - (iv) the suspension and cancellation of certificates of visible emission readers.

(2) Any regulation made under subsection (1) may be made to apply to a particular plant, structure or thing or a class of plants, structures or things, or generally.

(3) Any maximum permissible level of density of an air contaminant prescribed pursuant to regulations under this section shall not exceed the maximum permissible level of density prescribed under the Provincial Board of Health regulations for that contaminant for the same part of Alberta.

4. Section 4 is amended

(a) as to subsection (1)

(i) in clause (g)

(A) by striking out the word "Director" and by substituting the words "Director of Standards and Approvals",

(B) by striking out the word "Director's" and by substituting the words "Director of Standards and Approvals'",

(ii) by striking out the words "plans and specifications therefor are approved by the Director" and by substituting the words "Director of Standards and Approvals issues a permit therefor",

(b) by striking out subsections (2) to (11) and by substituting the following:

(2) A person shall apply for a permit in accordance with the regulations, but each application for a permit shall include plans and specifications which shall

(a) show the location of the plant, structure or thing, its size and capacity, the nature of the manufacturing, processing or other operation for which it is to be used and the method by which any air contaminant will be released therefrom, and

(b) be in such detail as the Director of Standards and Approvals may require.

(3) The Director of Standards and Approvals may require the applicant for a permit to submit to him any additional information that the Director of Standards and Approvals considers necessary regarding the proposed plant, structure or thing.

(4) The Director of Standards and Approvals may issue or refuse to issue a permit or may require a change in location of the plant, structure or thing or a change in the plans and specifications of the plant, structure or thing as a condition precedent to issuing a permit.

4. Section 4 presently reads:

4. (1) Subject to the regulations, no person shall commence the construction of

- (a) any plant for the manufacture of petroleum products, natural gas products, chemical and allied products, pulp and paper products, stone, clay or glass products, cement and lime products, fertilizers or animal by-products, or
- (b) any plant for primary metal production, metal processing, the processing of wood or wood products, the processing of coal, the processing of natural gas or its derivatives, the manufacture of asphalt or ready-mixed concrete, gravel crushing or meat packing, or
- (c) any incinerator other than an incinerator for a one-family dwelling, or
- (d) any sewage treatment and disposal plant, or
- (e) any hay and forage drier, seed cleaning plant or feed mill plant, or
- (f) any thermal electric power generating plant or any steam generating plant, or
- (g) any plant, structure or thing, where the Director has, prior to the commencement of construction, notified that person in writing that the proposed plant, structure or thing will, in the Director's opinion, be a source of air pollution and that it is subject to this section, or
- (h) any other type of plant, structure or thing specified in the regulations as being subject to this section, or
- (i) any alteration or addition to anything mentioned in clauses (a) to (h),

unless the plants and specifications therefor are approved by the Director.

(2) Plans and specifications submitted to the Director under this section shall

- (a) show the location of the plant, structure or thing, its size and capacity, the nature of manufacturing, processing or other operation for which it is to be used and the method by which any air contaminant will be released therefrom, and
- (b) be in such detail as the Director may require.

(3) The Director may require the applicant for an approval under this section to submit to him any additional information that the Director considers necessary regarding the proposed plant, structure or thing.

(4) The Director may give or refuse to give his approval of the plans and specifications or may require a change in location of the plant, structure or thing or a change in the plans and specifications as a condition precedent to giving his approval under this section.

(5) The Director may

- (a) make his approval under this section subject to such conditions as he prescribes, or
- (b) specify requirements as to the manner and frequency of recording levels of density of air contaminants emitted by the plant, structure or thing that is the subject of the approval, or
- (c) specify requirements as to the manner in which the plant, structure or thing is to be operated.

(6) The Crown is bound by subsections (1) to (5).

(7) Where any person has commenced the construction of anything in contravention of subsection (1) the Director may cause to be served on that person a notice directing him to cease the construction work forthwith until he has complied with subsection (1).

(5) The Director of Standards and Approvals may

- (a) issue a permit subject to such terms and conditions as he prescribes,
- (b) specify requirements as to the manner and frequency of recording levels of concentration, density and weight of air contaminants emitted by the plant, structure or thing that is the subject of the permit, and
- (c) specify requirements as to the manner in which the plant, structure or thing is to be tested or operated before normal operations commence.

(6) The Crown is bound by subsections (1) to (5).

(7) Where any person has commenced the construction of any thing in contravention of subsection (1), the Director of Standards and Approvals may cause to be served on that person a notice directing him to cease the construction work forthwith until he has complied with subsection (1).

(8) Where the Director of Standards and Approvals issues a permit for a plant, structure or thing

- (a) which has not been completely planned or designed, or
 - (b) for which changes in the plans or design are proposed before operations commence,
- the Director of Standards and Approvals may, upon application therefor, issue one or more amendments to the permit for
- (c) the additional construction to complete the plant, structure or thing, or
 - (d) the change in the design or the plans and specifications of the plant, structure or thing,

and impose such terms and conditions in connection with the amendment to the permit as he considers necessary.

(9) Where any person is constructing any thing referred to in subsection (1), either not in accordance with

- (a) the permit issued to him, or
 - (b) the plans and specifications submitted to the Director of Standards and Approvals, or
 - (c) the terms and conditions of the permit,
- the Director of Standards and Approvals may cause to be served on that person a notice directing him to

(8) Where any person is constructing anything referred to in subsection (1) either not in accordance with the approved plans and specifications or in contravention of the conditions of the approval prescribed by the Director, the Director may cause to be served on that person a notice directing him to cease the construction forthwith until he satisfies the Director that the thing to be constructed will be constructed in accordance with the approved plans and specifications and the conditions of the approval.

(9) Any person who fails to comply with a notice given to him under subsection (7) or (8) upon service of the notice or subsequently, is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 for each day during which any construction work was done in contravention of the notice.

(10) Where any person fails to comply with a notice given to him under subsection (7) or (8) upon service of the notice or subsequently, the Director may apply by way of originating notice of motion to the Supreme Court for an order directing that person to comply with the notice.

(11) A person who operates any plant, structure or thing referred to in subsection (1)

(a) where the plans and specifications therefor were not approved by the Director under subsection (1) and where construction was commenced after the coming into force of this section, or

(b) in contravention of the terms or conditions of an approval of the Director,
is guilty of an offence.

Section 4 presently requires that every person obtain an "approval" from the Director of Pollution Control before starting construction of a plant, structure or thing referred to in section 4.

The result of these amendments, coupled with the new section 4.1 will be that before a plant becomes operational it will require from the Director of Standards Approvals

(a) a permission to construct (a permit), and

(b) after construction, but before operations start, a licence to operate (a licence).

cease the construction forthwith until he satisfies the Director of Standards and Approvals that the plant, structure or thing to be constructed will be constructed in accordance with the permit and terms and conditions attached thereto and the plans and specifications upon which the permit was issued.

(10) Any person who fails to comply with a notice given to him under subsection (7) or (9), upon service of the notice or subsequently, is guilty of an offence and liable on summary conviction to a fine not exceeding \$1000 for each day during which any construction work was done in contravention of the notice.

(11) Where any person fails to comply with a notice given to him under subsection (7) or (9) upon service of the notice or subsequently, the Director of Standards and Approvals may apply by way of originating notice of motion to the Supreme Court for an order directing that person to comply with the notice.

(12) A person who commences or continues construction of a plant, structure or thing referred to in subsection (1),

(a) without a permit, or

(b) in contravention of a permit or the terms and conditions attached thereto,

is guilty of an offence.

5. The following sections are added after section 4:

4.1 (1) No person shall commence the operation or use of a plant, structure or thing to which section 4, subsection (1) applies unless he is the holder of a licence in respect of the plant, structure or thing.

(2) Upon or shortly before completion of the construction of a plant, structure or thing to which section 4, subsection (1) applies, the person who proposes to operate or use the plant, structure or thing shall apply to the Director of Standards and Approvals in accordance with the regulations, for the issue of a licence.

(3) The Director of Standards and Approvals may require the applicant for a licence to show that

(a) the plant, structure or thing was constructed in accordance with the permit,

(b) the terms and conditions attached to the permit have been satisfactorily met, and

(c) the person will operate the plant in accordance with the licence applied for.

5. Sections 4.1 to 4.6 provide for the issue of a licence to operate a plant, structure or thing; changes in a plant, structure or thing the subject of a permit or licence; cancellation and amendment of permits and licences; and supplying information to the Directors.

(4) The Director of Standards and Approvals may require the applicant for a licence to submit to him any additional information that the Director of Standards and Approvals considers necessary regarding the construction or the future operation of the plant, structure or thing or any matter connected therewith.

(5) Upon satisfying himself that a licence should be issued, the Director of Standards and Approvals may issue a licence of such type for such period of time and subject to such conditions as may be prescribed in the regulations.

(6) Notwithstanding subsection (5), and notwithstanding anything contained in the regulations, the Director of Standards and Approvals may

- (a) impose special terms and conditions with respect to any licence he issues, and
- (b) specify the requirements as to the manner in which the plant, structure or thing is to be operated.

(7) The Crown is bound by subsections (1) to (6).

(8) A person who

- (a) fails to comply, or
- (b) contravenes,

a term or condition of a licence is guilty of an offence.

4.2 (1) No person shall alter, add to or in any other manner change a plant, structure or thing that is the subject of a permit or licence unless a permit to alter, add to or otherwise change the plant structure or thing is issued by the Director of Standards and Approvals.

(2) The person who wishes to alter, add to or in any manner change a plant, structure or thing shall apply to the Director of Standards and Approvals in accordance with the regulations.

(3) Where the alteration, addition or change is made to a plant, structure or thing for which a licence has been issued, the applicant shall apply for a new licence or amendment to the existing licence with respect to the alteration, addition or change in accordance with the regulations and the Director of Standards and Approvals has the same power with respect to an application under this section as he has under section 4 and section 4.1.

(4) Where an amendment is issued in respect of a permit or licence under this section or section 4.1 or 4.4, the amendment and any terms or conditions attached thereto shall be deemed to form part of the permit or licence.

(5) This section does not apply to

- (a) adjustments, repairs or maintenance made in the course of normal operations of the plant, structure or thing, or
- (b) minor improvements to an existing plant, structure or thing, or
- (c) changes made in an emergency.

(6) Where changes are made in an emergency complete particulars thereof shall be forwarded to the Director of Standards and Approvals immediately they are made.

4.3 No person shall transfer, sell, lease or otherwise dispose of a permit or licence.

4.4 (1) Where it appears to the Director of Standards and Approvals that a term or condition of a permit or licence issued by him is unnecessary, he may delete it upon application of the person who holds the permit or licence.

(2) The Director of Standards and Approvals may cancel a permit or licence issued in error or amend a clerical error in a permit or licence.

(3) The Director of Standards and Approvals may cancel a permit and licence upon application of the person who holds the permit or licence.

4.5 Before the expiration of the term of a licence, the applicant may apply for a renewal of the licence in accordance with the regulations and the same powers of the Director of Standards and Approvals apply with respect to the application and renewal of a licence as apply to a first application for a licence.

4.6 (1) Where any plan, specification or other information is sent to the Director of Standards and Approvals or the Director of Pollution Control in accordance with this Act or the regulations, the Director of Standards and Approvals or the Director of Pollution Control may refuse to accept the plan, specification or other information unless it is certified as accurate by a person who, in the opinion of the Director of Standards and Approvals or the Director of Pollution Control, is qualified to do so.

(2) Any person who supplies false information or makes inaccurate or untrue statements in any plan, specification or other information required to be supplied by this Act or the regulations, is guilty of an offence.

6. *Section 5 is struck out and the following section is substituted:*

5. (1) The Lieutenant Governor in Council may by regulation designate any officer of the Crown or any government agency as a person who shall exercise the same power and authority as the power of the Director of Pollution Control

- (a) under section 6 or section 8, or
- (b) pursuant to the regulations made under section 10.

(2) Where a regulation is made under subsection (1), unless the regulation provides otherwise

- (a) a reference to the Director of Pollution Control in section 6, 7 or 8 shall be deemed to refer, in addition to the Director of Pollution Control, to the officer of the Crown or Government agency so designated by the regulation, and
- (b) a reference to the Division of Pollution Control in section 8 shall be deemed to refer, in addition to the Division of Pollution Control, as the case requires, to the department of the Government of which the officer so designated by the regulation is an employee or to the government agency so designated by the regulation.

7. *Section 6 is amended*

(a) *by striking out subsection (1) and by substituting the following subsections:*

6. (1) Where it appears to the Director of Pollution Control that there exists in the atmosphere in any part of Alberta

- (a) an air contaminant
 - (i) in concentrations that exceed or in the opinion of the Director of Pollution Control will exceed the maximum permissible level of density prescribed for that contaminant in the regulations, or
 - (ii) in concentrations that exceed or in the opinion of the Director of Pollution Control will exceed the maximum permissible calculated ground level concentration standard prescribed for that air contaminant in the regulations, or
 - (iii) in concentrations that exceed or in the opinion of the Director of Pollution Control will exceed the maximum concentration permitted to be emitted from any plant, structure or thing in the regulations, or

6. Section 5 presently reads:

5. (1) The Lieutenant Governor in Council may by regulation designate any officer of the Crown or any government agency as a person who shall exercise the powers of the Director under section 4 with respect to

(a) any specified class of plants, structures or things referred to in section 4, subsection (1), clauses (a) to (f) or in the regulations under section 10, clause (c), or

(b) any alteration or addition to anything specified in the regulations pursuant to clause (a).

(2) Where a regulation is made under subsection (1) then unless the regulation provides otherwise,

(a) a reference to the Director in section 4, 6, 7 or 8 shall be deemed to refer instead to the officer of the Crown or government agency so designated by the regulation, and

(b) a reference to the Division of Pollution Control in section 8 shall be deemed to refer instead, as the case requires, to the department of the Government of which the officer so designated by the regulation is an employee or to the government agency so designated by the regulation.

7. Section 6, subsection (1) presently reads:

6. (1) Where it appears to the Director that there exists in the atmosphere in any part of Alberta

(a) an air contaminant in concentrations that exceed the maximum permissible level of density prescribed for that contaminant by the regulations, or

(b) an air contaminant that in his opinion will exceed the maximum permissible level of density prescribed for that contaminant in the absence of an order or orders under this section, or

(c) an air contaminant having an offensive odour,

the Director may issue one or more orders, called "emission control orders", directed at persons owning or operating any plants, structures or things that the Director considers to be sources of the air contaminant.

(iv) in concentrations that exceed or in the opinion of the Director of Pollution Control will exceed the maximum weight permitted to be emitted from any plant, structure or thing in the regulations, or

(v) that exceeds or in the opinion of the Director of Pollution Control will exceed the maximum visible emissions permitted to be emitted in the regulations,

or

(b) an air contaminant having an offensive odour, the Director of Pollution Control may issue one or more orders (in this section called "emission control orders"), directed at persons owning or operating any plants, structures or things that the Director of Pollution Control considers to be the source of, or one of the sources of, the air contaminant.

(1.1) Where it appears to the Director of Pollution Control that a term or condition of a licence has been, or is about to be contravened, the Director of Pollution Control may issue an emission control order directed at the person owning or operating the plant, structure or thing that is the subject of the licence.

(b) *as to subsections (2), (4) and (6) by striking out the word "Director" wherever it occurs and by substituting in each case the words "Director of Pollution Control",*

(c) *by striking out subsection (5) and by substituting the following subsection:*

(5) The Director of Pollution Control may issue an emission control order notwithstanding that the plant, structure or thing owned or operated by the person to whom the order is directed

(a) was the subject of a permit or licence pursuant to section 4, 4.1 or 4.2, or

(b) is at the time the order is made being operated in accordance with a licence.

8. *Section 7 is amended*

(a) *as to subsection (1)*

(i) *in clause (b), by striking out the word "Director" and by substituting the words "Director of Pollution Control",*

(ii) *by adding the word "or" at the end of clause (c) and by adding the following clause after clause (c):*

(d) *has contravened a term or condition of a licence,*

(b) *as to subsection (3), by striking out the words "Not less than" and by substituting the words "Not more than",*

(c) *as to subsection (9) by striking out the words "The Authority shall*

(a) *hold a hearing to inquire into all matters leading to the making of the stop order, and"*

and by substituting the following words "The Authority shall, within 30 days of a reference to it by the Minister

(a) *hold a public hearing to inquire into all matters leading to the making of the stop order, and".*

9. *Section 8 is amended*

(a) *by striking out subsections (1) and (2) and by substituting the following subsections:*

8. (1) **The Director of Standards and Approvals, or the Director of Pollution Control or any employee of the Division of Standards and Approvals or the Division of Pollution Control may, without incurring liability therefor, enter into any land or premises for the purpose of**

(a) investigating and inspecting and carrying out tests at any plant, structure or thing that he on reasonable grounds believes is or contains a source of air pollution, or

(b) examining, making copies of or taking extracts from, any records of a person owning or operating a plant, structure or thing that he on reasonable grounds believes is or contains a source of air pollution, if the records relate to the emission of air contaminants, or

(c) carrying out any powers or duties conferred or imposed on either the Director of Standards and Approvals or the Director of Pollution Control by this Act or the regulations.

8. Section 7, subsections (1), (3) and (9) presently read:

7. (1) Where the Minister is satisfied that any person
- (a) has contravened or is contravening a provision of this Act or a regulation or order under this Act, or
 - (b) has failed to comply with an order or direction of the Director under this Act or under the regulations, or
 - (c) owns or operates any plant, structure or thing that is a source of air pollution which the Minister considers to be an immediate danger to human life or property or both,

the Minister may issue an order (in this section called a "stop order") to that person in accordance with subsection (2).

(3) Not less than 48 hours after making a stop order, the Minister shall cause a copy of it to be served on the person to whom it is directed, and upon receipt of such copy, the person to whom the stop order is directed shall comply with the order forthwith.

(9) The Authority shall

- (a) hold a hearing to inquire into all matters leading to the making of the stop order, and

- (b) determine whether, in its opinion, there were sufficient grounds for the making of the stop order,

and upon completion of the inquiry the Authority shall report its findings to the Minister together with any recommendations it wishes to make in regard to the confirmation, amendment or revocation of the stop order.

9. Section 8 presently reads:

8. (1) The Director or any employee of the Division of Pollution Control authorized by the Director may, without incurring liability therefor, enter into any land or premises for the purpose of

- (a) investigating and inspecting and carrying out tests at any plant, structure or thing that he on reasonable grounds believes is or contains a source of air pollution, or
- (b) examining, making copies of or taking extracts from, any records of a person owning or operating a plant, structure or thing that he on reasonable grounds believes is or contains a source of air pollution, if the records relate to the emission of air contaminants, or
- (c) carrying out any powers or duties conferred or imposed on the Director by this Act or the regulations.

(2) Where the Director or employee wishes to enter any lands or premises pursuant to subsection (1) and is prevented from entering, the Director may apply to the Supreme Court by way of originating notice of motion for an order permitting the Director or any employee of the Division of Pollution Control authorized by the Director to enter the lands or premises for the purposes specified in the order, and an order so made may be enforced by the sheriff.

(3) The Director may direct the owner or operator of any plant, structure or thing to provide to the Director any records or other information specified in the direction within the time limited in the direction, if the data, records or other information relate to the emission of air contaminants by that plant, structure or thing.

(4) A person who fails to comply with a direction given to him pursuant to subsection (3) within the time limited in the direction is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 for each day that the contravention continues.

(2) Where the Director of Standards and Approvals or the Director of Pollution Control, or any employee of the Division of Pollution Control or the Division of Standards and Approvals wishes to enter any lands or premises pursuant to subsection (1) and is prevented from entering, the Director of Standards and Approvals or the Director of Pollution Control may apply to the Supreme Court by way of originating notice of motion for an order permitting either the Director of Standards and Approvals or the Director of Pollution Control or any employee of either division to enter the lands or premises for the purposes specified in the order and the order so made may be enforced by a sheriff.

- (b) *as to subsection (3) by striking out the word "Director" wherever it occurs and by substituting in each case the words "Director of Pollution Control".*

10. Section 10 is amended

- (a) *by striking out clause (a) and by substituting the following clauses:*

- (a) governing applications for and issue of
- (i) permits and amendments thereto, and
 - (ii) licences and amendments thereto, and prescribing the form for any application and the form of the permit and licence;
- (a1) prescribing terms and conditions attached to all permits and all licences or any class of either;
- (a2) prescribing different types of permits and licences and the length of time for which they are issued;

- (b) *by striking out clauses (b) and (c) and by substituting the following clauses:*

- (b) exempting any plant, structure or thing or class of plants, structures or things from the operation of section 4, 4.1 and 4.2;
- (c) specifying a plant, structure or thing or a type or class of plants, structures or things that are subject to section 4, 4.1 and 4.2;

- (c) *as to clause (h), by striking out the word "Director" and by substituting the words "Director of Pollution Control",*

- (d) *as to clause (i) by striking out subclause (i) and by substituting the following subclause:*

- (i) pertaining to applications under sections 4, 4.1, 4.2, 4.4 and 4.5,

10. Section 10, clauses (a), (b), (c), (h), (i) and (j) presently read:

10. The Lieutenant Governor in Council may make regulations
 - (a) governing applications for and the issue of approvals under section 4;
 - (b) exempting any class of plants, structures or things from the operation of section 4;
 - (c) specifying types of plants, structures or things that are subject to section 4;
 - (h) requiring the submission to the Director or some other person of any returns or reports by any person pertaining to the construction or operation of any plant, structure or thing or any class thereof that is or may be the source of an air contaminant;
 - (i) prescribing a tariff of fees payable to the Minister
 - (i) pertaining to applications for or the issue of approvals under section 4,
 - (ii) for the filing of any returns, reports or other documents that are required or permitted to be filed under this Act or the regulations, and
 - (iii) for any other service provided by the Department under this Act or the regulations;
 - (j) declaring any code pertaining to air quality, the prevention, control or elimination of air pollution, the measurement of levels of density of air contaminants or the design, construction, maintenance or operation of any type of plant, structure or thing that may be a source of air pollution and issued or published by any government or association to be in force, either in whole or in part or with such modifications as are specified in the regulations;

New regulation making power.

(e) *by striking out clause (j) and by substituting the following:*

(j) declaring any code pertaining to the prevention, control or elimination of air pollution or the design construction, maintenance of air pollution of any type of plant, structure or thing that may be a source of air pollution and issued or published by any government or association to be in force, either in whole or in part or with such modifications as are specified in the regulations;

(f) *by adding the following clauses after (n):*

(o) setting the dates required for section 11.1;

(p) concerning the submission of monitoring reports, establishing forms and the times at which reports must be submitted to the Director of Pollution Control;

(q) to permit the preparation and publication by the Department of the Environment of guidelines for the construction of any plant, structure or thing;

(r) prohibiting the release of toxic air contaminants to the atmosphere unless the approval of the Director of Standards and Approvals has been first obtained.

11. The following section is added after section 11:

11.1 (1) A person operating a plant, structure or thing to which section 4, subsection (1) applies, without a certificate or approval issued by the Provincial Board of Health pursuant to *The Public Health Act* or regulations thereunder or this Act or the regulations, must apply to the Director of Standards and Approvals for a licence before the date specified in the regulations.

(2) A person operating a plant, structure or thing to which section 4, subsection (1) applies, with a certificate or approval issued by the Provincial Board of Health pursuant to *The Public Health Act* or regulations thereunder, or this Act or the regulations, before the coming into force of this Act, upon which an expiry date is endorsed, must apply to the Director of Standards and Approvals for a licence before the date endorsed on the certificate or approval.

(3) A person operating a plant, structure or thing to which section 4, subsection (1) applies, with a certificate or approval issued by the Provincial Board of Health pursuant to *The Public Health Act* or regulations thereunder or this Act or the regulations, upon which no expiry date is endorsed, shall apply to the Director of Standards and Approvals for a licence before the date specified in the regulations.

II. Transitional provisions.

(4) A person operating a plant, structure or thing to which section 4, subsection (1) applies, with an approval, permit or licence issued by the Energy Resources Conservation Board pursuant to *The Oil and Gas Conservation Act* or *The Hydro and Electric Energy Act*, shall apply to the Director of Standards and Approvals for a licence before the time specified in the regulations.

(5) Any person who operates a plant, structure or thing without a licence after the date specified in the regulations for an application for a licence for that plant, structure or thing, is guilty of an offence.

12. This Act comes into force on a date or dates to be fixed by Proclamation.

