

1982 BILL 14

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Fourth Session, 19th Legislature, 31 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 14

CLEAN AIR AMENDMENT ACT, 1982

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MR. PAHL

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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Bill 14  
Mr. Pahl

## BILL 14

1982

### CLEAN AIR AMENDMENT ACT, 1982

(Assented to . . . . . , 1982)

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

1 *The Clean Air Act is amended by this Act.*

2 *Section 2 is amended*

(a) *in subsection (1)*

(i) *in clause (g) by striking out “in, on or outside a plant,  
structure or thing”;*

(ii) *by repealing clause (i) and substituting the following:*

(i) **authorizing the Director of Standards and Approvals  
to prescribe the methods and procedures for determining  
the visible emissions that are emitted from any source in  
all or any part of Alberta, for the purpose of determining  
whether the emissions exceed the maximum visible  
emissions prescribed in any regulations made under  
clause (j);**

(b) *in subsection (3) by striking out “level of density” wherever  
it occurs and substituting “concentration”;*

3 *Section 3 is amended*

(a) *in subsection (1)*

(i) *by adding “or continue” after “commence”;*

(ii) *in clause (b) by adding “the production and processing  
of inorganic chemicals,” after “derivatives,”;*

## Explanatory Notes

1 This Bill will amend chapter C-12 of the Revised Statutes of Alberta 1980.

2 Section 2 presently reads in part:

*2(1) The Minister may make regulations*

*(g) prescribing the point at which a measurement pursuant to the regulations is to take place in, on or outside a plant, structure or thing;*

*(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);*

*(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.*

3 Section 3 presently reads in part:

*3(1) Subject to the regulations, no person shall commence the construction of*

*(b) a 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,*

*(iii) in clause (g) by striking out “, prior to the commencement of construction,”;*

*(b) in subsection (10) by striking out “\$1000” and substituting “\$5000”.*

*4 Section 4(6) is amended by striking out “and” at the end of clause (a) and by adding the following after clause (a):*

**(a.1) 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 licence, and**

*5 Section 7 is amended by adding the following after subsection (3):*

**(4) The Director of Standards and Approvals may amend the requirements referred to in section 4(6)(a.1) on his own initiative or on application of the person who holds the licence.**

*6 Section 13(3) is amended by adding the following after clause (d):*

**(e) to measure the rate of emission or ambient concentration, or both, of the air contaminant;**

**(f) to report to him with respect to any matter directed by him pursuant to clauses (a) to (e) in accordance with the directions specified in the order.**

*(g) a plant, structure or thing, if the Director of Standards and Approvals has, prior to the commencement of construction, notified that person in writing that the proposed plant, structure or thing will, in the Director of Standards and Approvals' opinion, be a source of air pollution and that it is subject to this section,*

*unless the Director of Standards and Approvals issues a permit for it.*

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

**4** Section 4(6) presently reads:

*(6) The Director of Standards and Approvals may*

*(a) issue a licence subject to the terms and conditions he prescribes, including, but not limited to, terms and conditions prescribing the concentrations, weights or rates of emission referred to in section 2(1), and*

*(b) specify requirements as to the manner in which the plant, structure or thing is to be operated,*

*but the terms, conditions or requirements must not be less stringent than those imposed by the regulations.*

**5** Allows the Director of Standards and Approvals to amend a licence with respect to monitoring requirements.

**6** Section 13(3) presently reads:

*(3) The Director of Pollution Control may, in an emission control order, order the person to whom it is directed*

*(a) to limit or control the rate of emission of the contaminant by the plant, structure or thing in accordance with the directions specified in the order;*

*(b) to refrain from emitting the contaminant either permanently or for a specified period or during the times or in the circumstances specified in the order;*

*(c) to comply with any directions specified in the order relating to the manner in which the contaminant may be emitted or the procedures to be followed in the control or elimination of the emission of the contaminant;*

*(d) to install, replace or alter any equipment or thing designed to control or eliminate the emission of the contaminant.*

7 Section 15(4) is amended by striking out “\$1000” and substituting “\$5000”.

8 The following is added after section 15:

**15.1** In a prosecution, proceeding or hearing under this Act or the regulations, the production of

(a) a certificate of variance or stop order purporting to have been signed by the Minister,

(b) an order, permit, licence or approval purporting to have been signed by the Director of Standards and Approvals, or

(c) an order or approval purporting to have been signed by the Director of Pollution Control,

or a certified copy of any of the documents referred to in clauses (a), (b) or (c) shall be admitted in evidence as prima facie proof of the facts stated in the document without proof of the signature or official character of the person signing the document.

9 Section 16 is amended by striking out “\$5000” and substituting “\$25 000”.

10 Section 18 is amended

(a) by repealing clause (d) and substituting the following:

(d) exempting any source of air contaminants from any or all of the provisions of this Act or the regulations;

(b) in clause (e) by striking out “sections 3, 4 and 5” wherever it occurs and substituting “any or all of the provisions of this Act or the regulations”;

(c) in clause (r) by adding “or any other person designated by him” after “Director of Pollution Control”;

(d) by adding the following after clause (r):

(r.1) respecting the submission of reports of emissions of air contaminants to the Director of Pollution Control or to any person designated by him;

**7** Section 15 presently reads in part:

*(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 to a fine of not more than \$1000 for each day that the contravention continues.*

**8** Documentary evidence.

**9** Section 16 presently reads:

*16 A person who is guilty of an offence under this Act or the regulations for which no penalty is expressly provided is liable to a fine not exceeding \$5000 and in default of payment to a term of imprisonment not exceeding 3 months.*

**10** Section 18 presently reads in part:

*18 The Lieutenant Governor in Council may make regulations*

*(d) exempting any plant, structure or thing or class of plants, structures or things from the operation of sections 3, 4 and 5;*

*(e) specifying a plant, structure or thing or a type or class of plants, structures or things that are subject to sections 3, 4 and 5;*

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

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

(r.2) authorizing the Director of Pollution Control to prescribe the nature of the content of reports referred to in clause (r.1);

(e) in clause (s) by adding "operation and monitoring" after "construction,".

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*In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.*