

Caution:

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, form and wording of the draft regulation are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

ENVIRONMENTAL PROTECTION ACT

Amending O. Reg. 1/17

(REGISTRATIONS UNDER PART II.2 OF THE ACT - ACTIVITIES REQUIRING ASSESSMENT OF AIR EMISSIONS)

1. (1) Subsection 1 (1) of Ontario Regulation 1/17 is amended by adding the following definition:

“higher heating value” means, when used in reference to the reporting of thermal efficiency, heat input capacity or heat output capacity in respect of the combustion of a fuel in a combustion source, the total amount of heat released during combustion including the latent heat content of the water vapour component of the flue gas; (“French”)

(2) The definition of “small wood-fired combustor” in subsection 1 (1) of the Regulation is amended by adding “reported on a higher heating value basis” after “capacity”.

2. (1) Subparagraph 3 iii of subsection 2 (2) of the Regulation is amended by striking out the portion before sub-subparagraph A and substituting the following:

- iii. The use of a wood-fired combustor, other than a small wood-fired combustor that was installed at the facility on or after January 31, 2017, that meets the design criteria set out in Chapter 5 of the EASR Publication, and that exclusively uses as fuel one or more of the following:

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(2) Subparagraphs 3 x and xi of subsection 2 (2) of the Regulation are revoked and the following substituted:

- x. The operation of a combustion source that uses biogas, biomass, coal, petroleum coke or waste as a fuel or that uses a fuel derived from biogas, biomass, coal, petroleum coke or waste, but does not include,
 - A. the operation of a small wood-fired combustor that was installed at the facility on or after January 31, 2017 and that exclusively uses one or more of the fuels described in subparagraph iii, and
 - B. the operation of a combustion turbine that meets the conditions set out in paragraphs 1 to 3 of subsection (2.1).
- xi. The use of a combustion turbine, except if the conditions set out in subsection (2.1) apply in respect of the combustion turbine.

(3) Section 2 of the Regulation is amended by adding the following subsection:

(2.1) For the purposes of subparagraph 3 xi of subsection (2), the following conditions must be met:

1. The fuel burned in the combustion turbine is natural gas or other gaseous fuel that meets the following criteria:
 - i. It is at least 90 per cent methane by volume.
 - ii. It has an energy content of at least 35 megajoules per cubic metre.
 - iii. It has a total sulphur content of less than 120 milligrams per cubic metre.
2. The combustion turbine has, or if there is more than one combustion turbine at the facility, all of them when taken together have, a maximum combined electrical and mechanical power output capacity of less than 25 megawatts.
3. If the combustion turbine is part of a system that has an auxiliary burner, the auxiliary burner is only fuelled by the natural gas or other gaseous fuel mentioned in paragraph 1 and the maximum fuel input capacity of the burner is less than the maximum fuel input capacity of the combustion turbine.

(4) Section 2 of the Regulation is amended by adding the following subsection:

(3.1) Despite subsection (3), subsection (1) does apply to activities engaged in with respect to a renewable energy project if,

- (a) by operation of paragraph 12 of subsection 9 (1) of Ontario Regulation 359/09 (Renewable Energy Approvals Under Part V.0.1 of the Act) made under the Act, section 47.3 of the Act does not apply to the person engaging in the project; and
- (b) the project meets the requirements provided for in subparagraph 3 iii of subsection 2 (2).

3. Paragraph 7 of subsection 11 (1) of the Regulation is amended by striking out “or” at the end of subparagraph i, by adding “or” at the end of subparagraph ii and by adding the following subparagraph:

- iii. to a combustion turbine that operates less than 1500 hours in a year and has either a maximum electrical power output capacity or a maximum mechanical power output capacity of less than 4 megawatts.

4. (1) Subparagraph 9 iv of subsection 13 (1) of the Regulation is revoked and the following substituted:

- iv. For a small wood-fired combustor, the following:
 - A. The type of fuel used in it.
 - B. Confirmation that it has an automated wood fuel feed system.
 - C. Its nominal load heat input and output capacity reported on a higher heating value basis.
 - D. Its partial load heat input and output capacity reported on a higher heating value basis.
 - E. The air pollution control equipment installed in or attached to it.
 - F. The date it was installed or is proposed to be installed at the facility and the date of the most recent modification made to it.
- v. For a combustion turbine that does not use an auxiliary burner, the following:
 - A. Its maximum heat input capacity reported on a higher heating value basis.
 - B. Its maximum power output capacity reported on a higher heating value basis.

- C. Its thermal efficiency reported on a higher heating value basis.
 - D. The air pollution control equipment installed in or attached to it.
 - E. The date it was installed or is proposed to be installed at the facility and the date of the most recent modification made to it.
- vi. For a combustion turbine that uses an auxiliary burner, the maximum power output capacity of the combustion turbine and the following with respect to both the combustion turbine and the auxiliary burner:
- A. The maximum heat input capacity of each, reported on a higher heating value basis.
 - B. The combined maximum heat output capacity of both, reported on a higher heating value basis.
 - C. The combined thermal efficiency of both, reported on a higher heating value basis.
 - D. The air pollution control equipment installed in or attached to each.
 - E. The date each was installed or is proposed to be installed at the facility.
 - F. The date of the most recent modification made to each.

(2) Subsection 13 (2) of the Regulation is amended by adding the following paragraph:

4. A combustion turbine, unless the combustion turbine meets any of the following criteria:
- i. It is exempt from the application of section 9 of the Act by Ontario Regulation 524/98 (Environmental Compliance Approvals — Exemptions from Section 9 of the Act) made under the Act.
 - ii. It operates less than 1500 hours in a year and has either a maximum electrical power output capacity or a maximum mechanical power output capacity of less than 4 megawatts.

5. (1) Section 15 of the Regulation is amended by adding the following subsection:

(2.1) The Director may give written notice to a person who engages in an activity prescribed by section 2 that involves a combustion turbine requiring the person to submit to the Director the results of thermal efficiency testing in respect of combustion turbines.

(2) Subsection 15 (4) of the Regulation is revoked and the following substituted:

(4) A person to whom the Director has given written notice under subsection (1), (2) or (2.1) shall ensure that the in-stack testing or thermal efficiency testing is conducted in accordance with the Director's notice and that the results are submitted not later than the date specified in the notice.

6. The Regulation is amended by adding the following section:

Combustion turbines

31.1 For the purposes of clause 20.21 (1) (c) of the Act, a person who engages in an activity prescribed by section 2 of this Regulation that involves a combustion turbine shall ensure that the following requirements are met:

1. The combustion turbine must be operated within the operational parameters set out in Chapter 6 of the EASR publication.
2. The operational parameters set out in Chapter 6 of the EASR publication must be measured using the measurement methods set out in that Chapter.
3. A statement setting out the results of an installation test in respect of the combustion turbine conducted in accordance with Chapter 6 of the EASR publication must be available at all times when engaging in the activity.
4. A performance assessment of the combustion turbine must be conducted in accordance with Chapter 6 of the EASR publication at least once every two years, and the results of each assessment must be recorded.
5. Each record described in Chapter 6 of the EASR publication in respect of the combustion turbine must be prepared and retained at the facility for the period set out in that Chapter or, if no retention period is set out in that Chapter, for 20 years after its creation.

Commencement

7. [Commencement]