

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. 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 consultation draft 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. 524/98

(ENVIRONMENTAL COMPLIANCE APPROVALS - EXEMPTIONS FROM SECTION 9
OF THE ACT)

1. (1) Subsection 0.1 (1) of Ontario Regulation 524/98 is amended by adding the following definitions:

“CAN/CSA-ISO 17225-2:15” means the standard CAN/CSA-ISO 17225-2:15, published by the CSA Group, dated 2015 and entitled “Solid biofuels – Fuel specifications and classes - Part 2: Graded Wood pellets”; (“French”)

“combustion turbine” has the same meaning as in Ontario Regulation 1/17 (Registrations Under Part II.2 of the Act - Activities Requiring Assessment of Air Emissions) made under the Act; (“French”)

“EN 303-5 (2012)” means the European Standard EN 303-5, published by the European Committee for Standardization, dated June 2012 and entitled “Heating boilers – Part 5: Heating boilers for solid fuels, manually and automatically stoked, nominal heat output of up to 500 kW – Terminology, requirements, testing and marking”; (“French”)

(2) The definition of “exhaust stack” in subsection 0.1 (1) of the Regulation is revoked and the following substituted:

“exhaust stack” means the part of combustion equipment from which contaminants captured from the use of the combustion source are discharged into the air; (“cheminée d’évacuation”)

2. (1) Paragraphs 3, 4 and 4.1 of subsection 1 (1) of the Regulation are revoked.

(2) Paragraph 25 of subsection 1 (1) of the Regulation is revoked and the following substituted:

25. An HVAC system that meets the following criteria:

- i. If the HVAC system includes one or more combustion units that use a gaseous fuel,
 - A. each combustion unit uses only natural gas, propane or both natural gas and propane as fuel, and
 - B. the maximum thermal input capacity of each combustion unit is not greater than 10.5 million kilojoules per hour.
- ii. If the HVAC system includes a cooling tower, drift loss from the cooling tower is controlled by drift eliminators.
- iii. If the HVAC system includes wood fuel burning equipment with one or more combustion units that provide heat only, each of which is individually rated for a maximum thermal output capacity of 50 kilowatts or less, the combustion units may only combust manufactured fire logs or untreated wood, which may include wood briquettes, wood chips, wood pellets or firewood.
- iv. If the HVAC system includes wood fuel burning equipment with one or more combustion units that provide heat only, each of which is individually rated for a maximum thermal output capacity of greater than 50 kilowatts and less than or equal to 150 kilowatts and use wood pellets,
 - A. the wood pellets,
 1. meet the specifications set out in CAN/CSA-ISO 17225-2:15 for property classes A1 and A2, and
 2. are contained within a covered structure and in such a manner so as to prevent precipitation from coming into contact with the wood pellets,
 - B. the equipment is certified to meet the Class 5 requirements set out in EN 303-5 (2012),
 - C. each exhaust stack that is part of the equipment and that may discharge a product of combustion into the air is oriented vertically, and

- D. testing and maintenance of the equipment is conducted in a manner that satisfies the recommendations of the manufacturer of the equipment.
- v. If the HVAC system includes one or more combustion units that use a liquid fuel,
 - A. the liquid fuel is No. 2 fuel oil that has a sulphur content of 0.5 per cent or less measured by weight, and
 - B. the maximum thermal input capacity of each combustion unit is not greater than 1.58 million kilojoules per hour.
- vi. If the HVAC system includes one or more combustion units otherwise described in subparagraph iii to provide both heat and electrical power, each combustion unit is individually rated for a maximum thermal output capacity of 50 kilowatts or less and a maximum electrical output capacity of 5 kilowatts or less.
- vii. If the HVAC system includes one or more combustion units otherwise described in subparagraph iv to provide both heat and electrical power at the facility,
 - A. the portion of the equipment that provides electrical power uses the thermal output from the portion of equipment that meets the requirements under sub-subparagraph iv B to generate the electrical power,
 - B. each exhaust stack that is part of the equipment and that may discharge a product of combustion into the air is oriented vertically, and
 - C. testing and maintenance of the equipment is conducted in a manner that satisfies the recommendations of the manufacturer of the equipment.
- viii. An HVAC system that is a masonry fireplace constructed on site.

(3) Subsection 1 (1) of the Regulation is amended by adding the following paragraph:

- 27. One or more combustion turbines used to provide electric power or combined heat and electric power at a facility, if the following criteria are met:

- i. The fuel burned in each combustion turbine at the facility is natural gas.
- ii. The combustion turbines at the facility have a combined electrical power output of less than 500 kilowatts.
- iii. The combustion turbines at the facility were certified by the California Air Resources Board under the Distributed Generation Certification Program before installation.
- vi. Testing and maintenance of the combustion turbines is conducted in a manner that satisfies the recommendations of the manufacturer of the combustion turbines.

(4) Subsection 1 (3) of the Regulation is revoked.

(5) Subsection 1 (6.1) of the Regulation is amended by striking out “equipment, apparatus, mechanism or thing” in the portion before paragraph 1.

(6) Paragraphs 1, 2 and 3 of subsection 1 (6.1) of the Regulation are revoked.

(7) Paragraph 5 of subsection 1 (6.1) of the Regulation is amended by adding “or equipment referred to in subparagraph 25 vi or vii or a combustion turbine described in paragraph 27 of subsection (1)” at the end.

(8) Section 1 of the Regulation is amended by adding the following subsection:

(6.1.1) Subparagraph 25 iii of subsection (1) does not apply to an outdoor boiler.

(9) Paragraph 3 of subsection 1 (6.2) of the Regulation is amended by adding “unless it is described in subparagraph 25 vi or vii of subsection (1)” at the end.

(10) Section 1 of the Regulation is amended by adding the following subsection:

(6.2.1) In paragraphs 25 and 27 of subsection 1 (1),

“facility” has the same meaning as in Ontario Regulation 1/17 (Registrations Under Part II.2 of the Act - Activities Requiring Assessment of Air Emissions) made under the Act;

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

Condition, combustion turbine

5. The owner or operator of a combustion turbine must ensure that one of the following conditions is met:

1. The combustion turbine is located indoors within a fully enclosed space,
 - i. that has concrete or masonry walls,
 - ii that is equipped with louvers that allow for the proper ventilation and operation of the combustion turbine, and
 - iii. from which any exhaust stacks are equipped with a device designed to mitigate the sound from the combustion turbine.

2. The combustion turbine is located outdoors, or, if there is more than one combustion turbine, all of them are located outdoors, and the sound pressure level resulting from the discharge of sound from the combustion turbine and related exhaust stacks, or, if there is more than one combustion turbine, the combined sound pressure level from the turbines and related exhaust stacks, is not greater than,
 - i. 50 decibels (A-weighted) at a distance of seven metres from the combustion turbine or turbines, if the noise is non-tonal, or
 - ii. 45 decibels (A-weighted) at a distance of seven metres from the combustion turbine or turbines, if the noise is tonal.

(2) For the purpose of subsection (1), a combustion turbine is deemed to be located outdoors if the only structure within which the combustion turbine is located is a structure whose sole purpose is to soundproof the combustion turbine or to protect it from the elements or to do both.

Commencement

4. [commencement]