

which has the power to vary the order. Provision is made for further appeals and extensive time can be consumed in the process. A regulation is not subject to a statutory appeal and is subject to challenge in the courts only on a limited range of issues, such as whether it is within the statutory authority under which it was passed.

One additional instrument available to the Ministry, although so far used on only a few occasions, is an order of the court restraining any contravention of the Act or a control order. Section 100 of the Act provides that these legal proceedings may be initiated by the Minister of the Environment.

In addition, section 8 of the Act provides that no person may construct or alter any plant from which a contaminant may be discharged unless he has a certificate of approval for the control of emissions. This approval may be accompanied by conditions, by which the Ministry can insist on appropriate methods to control emissions where the company is building a new plant, altering an existing one or altering a process.

Environmental Assessment Act, 1975. The purpose of this Act is to provide for the protection, conservation and wise management of the environment in Ontario. Under this Act, before proceeding with any major undertaking, the proponent must submit an environmental assessment of the project to the Minister of the Environment for approval. This Act applies as well to all provincial government projects, except those specifically exempted by Order-in-Council.

Quebec

In Quebec, air quality is governed by an act of general application, the Environmental Quality Act (RSQ, Chapter Q-2). This Act, in effect since 1972, applies to all aspects of the environment (ambient air quality, water quality, radioactivity, noise, vibrations, sanitary conditions, waste management, contaminants, waterworks, sewers and so on). It also contains requirements regarding assessment and review of the impact of new projects on the environment.

This legislation is geared to prevention of pollution and confers on the Department of the Environment broad powers of monitoring and supervision. It also confers on citizens a right to environmental quality which they can ensure is respected through recourse to a legal injunction, if necessary. The Act binds all Quebec governmental departments and agencies, as well as Quebec crown corporations.