

Report describes the environmental legislation pertaining to air pollution in the two provinces (Ontario and Quebec) currently most involved in the problem of long range transboundary air pollution.

Ontario

Ontario Environmental Protection Act. This Act prohibits the emission into the natural environment of any contaminant in an amount, concentration or level in excess of that prescribed by the regulations. It applies to all sources of pollution in Ontario, including fossil fuel-fired generating stations, even though such generating stations will have received provincial Cabinet approval in principle under the Power Corporation Act. Actions to increase control of acid causing pollutants from the INCO smelting operation at Sudbury Ontario and from Ontario Hydro have been taken under his Act.

The definition of "contaminant" in section (1) (c) is broad enough to include those emissions which cause acid precipitation. The Act (Section 14) prohibits emissions of any contaminant that "causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it" and prohibits any emission that "causes or is likely to cause injury or damage to property or to plant or animal life". Contravention of these prohibitions results in an offence under the Act and could give rise to prosecution.

A second instrument of importance is the Control Order. A director may issue a control order following a finding that a contaminant being emitted contravenes Section 14 of the Act or the maximum permissible amount set out in the Regulations. The control order is therefore a separate instrument available to control contaminants and has the advantage of applying to a source a specific set of rules tailored to reduce emissions. This also facilitates enforcement.

A third instrument available is regulation. Although usually thought of as a code of general rules supplementing the Act, Section 94(1)(b) of the Act permits the making of a regulation controlling the emission of any contaminant "into the natural environment from any source of contaminant or any class thereof". The section permits a regulation controlling emissions of SO₂ from a specific source.

One significant difference between a regulation and a control order is that a control order may be appealed to the Environmental Appeal Board which holds a hearing and