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The content, structure and form of the draft regulation are subject to change as a result of the consultation process and as a result of review by the Office of Legislative Counsel.

ONTARIO REGULATION

made under the

TOXICS REDUCTION ACT, 2009

GENERAL

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INTERPRETATION AND APPLICATION

Interpretation

1. (1) In this Regulation,

“NAICS” means the North American Industry Classification System maintained for Canada by Statistics Canada as amended or revised from time to time;

“NPRI Notice” means the notice given under subsection 46 (1) of the *Canadian Environmental Protection Act* and entitled “Notice with respect to substances in the National Pollutant Release Inventory for 2008”, as published in The Canada Gazette, Part 1, Vol. 142, No. 7, February 16, 2008.

(2) In this Regulation, a reference to a significant process change at a facility is a reference to a change consisting of,

- (a) the addition of a process at the facility that uses or creates a toxic substance, other than a process that is described in the toxic substance reduction plan prepared for that substance at the facility; or
- (b) an alteration to a process at the facility that uses or creates a toxic substance and that is described in the toxic substance reduction plan prepared for that substance at the facility, if the alteration results in an increase in the use or creation of the substance of at least 15 per cent from the quantifications set out in the plan for the purposes of paragraph 4 of subsection 4 (1) of the Act.

(3) In the Act and in this Regulation,

“contiguous facility” means all buildings, equipment, structures and stationary items that are located on a single site, or on contiguous sites or adjacent sites that are owned or operated by the same person and that function as a single integrated site that includes wastewater collection systems that release treated or untreated wastewater into surface waters;

“disposal” means, when used in relation to a toxic substance, the final disposal of the substance to landfill, land application or underground injection either on the facility site or at a location off the facility site, and includes treatment at a location off the facility site prior to final disposal;

“employee” means an individual employed at a facility and includes the owner of the facility who performs work on-site at the facility, and a person, such as a contractor, who, at the facility, performs work that is related to the operations of the facility, for the period of time that the person is performing that work;

“facility” means a contiguous facility, a portable facility, a pipeline installation or an offshore installation;

“level of quantification” means, in respect of a toxic substance, the lowest concentration that can be accurately measured using sensitive but routine sampling and analytical methods;

“offshore installation” means an offshore drilling unit, production platform or ship, or subsea installation that is related to the exploitation of oil or natural gas and that is anchored to the continental shelf of Canada or within Canada’s exclusive economic zone;

“pipeline installation” means a collection of equipment situated at a single site, used in the operation of a natural gas transmission or distribution pipeline;

“portable facility” means portable PCB destruction equipment, portable asphalt plants and portable concrete batching plants;

“recycling” means any activity that prevents a material or a component of the material from becoming a material destined for disposal;

“release” means, when used in relation to a toxic substance, the emission or discharge of the substance from the facility site to air, surface waters or land and includes a spill or a leak;

“treatment” means, when used in relation to a toxic substance, the subjection of the substance to physical, chemical, biological or thermal processes at a location off the facility site prior to final disposal;

“wood preservation” means the use of a preservative for the preservation of wood by means of heat or pressure treatment, or both, and includes the manufacture, blending or reformulation of wood preservatives for that purpose.

(4) In the Act and in this Regulation, a toxic substance is destroyed if, after entering a process at a facility, the substance is changed into one or more other substances that are not toxic substances.

(5) In the Act and in this Regulation, a toxic substance is transformed if, after entering a process at a facility, the substance is changed into one or more other toxic substances.

(6) In sections 4 and 9 of this Regulation,

- (a) a toxic substance is manufactured if it is produced, prepared or compounded, including the coincidental production of the substance as a by-product as a result of the manufacturing, processing or other use of any other substance; and
- (b) a toxic substance is processed if it is prepared after its manufacture, for commercial distribution, including preparation in the same physical state or chemical form as received by a facility and preparation which produces a change in physical state or chemical form.

(7) In sections 4 and 9 of this Regulation, a reference to an “other use” of a toxic substance is a reference to any use, disposal or release of the substance, other than the manufacture or the processing of the substance within the meaning of subsection (6).

Toxic substances

2. The following substances are prescribed as toxic substances for the purposes of the Act:

- 1. Any substance listed in Schedule 1 to the NPRI Notice, if the substance is used or created in the form specified in that Schedule.
- 2. Acetone.

Calculation of mass reporting thresholds and concentration by weight

3. For the purposes of section 9, the owner and the operator of a facility shall apply the rules set out in the NPRI Notice governing the calculation of mass reporting thresholds and concentration by weight.

Exemption, specified activities and things

4. (1) Sections 4 and 9 of the Act do not apply in respect of a toxic substance listed in Schedule 1 to the NPRI Notice that is,

- (a) manufactured, processed or otherwise used in an activity specified in clause 3 (a) of Schedule 2 to the NPRI Notice or section 4 of Schedule 2 to the NPRI Notice; or
- (b) contained in a thing specified in clause 3 (b) of Schedule 2 to the NPRI Notice.

(2) Sections 4 and 9 of the Act do not apply in respect of a toxic substance listed in Part 3 of Schedule 1 to the NPRI Notice, except in respect of an activity specified in clause 9 (b) of Schedule 2 to the NPRI Notice that is carried out at a contiguous or portable facility.

TOXIC SUBSTANCE REDUCTION PLANS — CRITERIA

When toxic substance reduction plan must be prepared

5. (1) Subject to subsections (2) and (3), if the criteria prescribed for the purposes of paragraphs 1, 2, 3 and 4 of subsection 3 (1) of the Act, as set out in sections 6, 7, 8 and 9 of this Regulation, are all met in respect of a particular toxic substance during the same calendar year at a facility, subsection 3 (1) of the Act applies to the owner and the operator of the facility,

- (a) in the first calendar year in which the criteria are met; and
- (b) in each subsequent calendar year, unless the owner and the operator of the facility gives the Director notice under section 21.

(2) Subsection (1) does not apply until January 1, 2012 in respect of a toxic substance that is not listed in Table A.

(3) If all of the applicable prescribed criteria mentioned in subsection (1) are met in a calendar year, the owner and the operator of the facility shall ensure that the plan is prepared on or before December 31 in the following calendar year.

(4) Despite clause (1) (b) and subject to subsection 21 (7), if the owner and the operator of a facility have ensured that a toxic substance reduction plan has been prepared for a toxic substance in accordance with clause (1) (a) and subsection (3), no additional toxic substance reduction plan is required to be prepared for the substance at the facility unless a new version of the plan is required to be prepared under section 17.

Class of facility

6. (1) For the purposes of paragraph 1 of subsection 3 (1) of the Act, a facility at which manufacturing takes place is a prescribed class of facilities.

(2) The class of facilities prescribed under subsection (1) includes,

- (a) a facility identified by a NAICS code commencing with the digits “31”, “32” or “33”; and
- (b) a facility identified by a NAICS code commencing with the digits “212” that processes minerals, but only if the mineral processing at the facility involves the use of chemicals to extract, refine or concentrate an ore.

Number of persons

7. For the purposes of paragraph 2 of subsection 3 (1) of the Act, the prescribed number of persons is zero.

Amounts of toxic substances used or created

8. For the purposes of paragraph 3 of subsection 3 (1) of the Act, the amounts of a toxic substance that are used or created at a facility must exceed zero.

Other criteria

9. (1) For the purposes of paragraph 4 of subsection 3 (1) of the Act, if a toxic substance is a substance described in Column 1 of the following Table, the prescribed criteria in respect of that substance are all of the criteria set out opposite the substance in either Column 2 or Column 3 of the Table, if any criteria are set out in Column 3.

TABLE

Item	Column 1	Column 2	Column 3
	Description of toxic substance	Criteria	Criteria
1	Toxic substance listed in Part 1 of Schedule 1 to the NPRI Notice	1. Employees at the facility must work a total of 20,000 hours or more or an activity listed in section 2 of Schedule 2 to the NPRI notice must take place at the facility.	

		<ol style="list-style-type: none"> 2. The amount of the toxic substance manufactured, processed or otherwise used must meet or exceed the applicable mass reporting threshold set out for the toxic substance in Table 1 of Schedule 2 to the NPRI Notice. 3. The concentration by weight of the toxic substance manufactured, processed or otherwise used must meet or exceed the applicable concentration by weight set out for the toxic substance in Table 1 of Schedule 2 to the NPRI Notice, unless the substance is a by-product or there is no concentration by weight set out for the toxic substance in Table 1 of Schedule 2 to the NPRI Notice. 	
2	Toxic substance listed in Part 2 of Schedule 1 to the NPRI Notice	<ol style="list-style-type: none"> 1. Employees at the facility must work a total of 20,000 hours or more or an activity listed in section 2 of Schedule 2 to the NPRI notice must take place at the facility. 2. Subject to subsection (2), the sum of the following amounts of the toxic substance must meet or exceed five kilograms: <ol style="list-style-type: none"> i. The amount released on site as a result of incidental manufacture. ii. The amount disposed of as a result of incidental manufacture. iii. The amount transferred off site for recycling as a result of incidental manufacture. 3. The toxic substance must be released, disposed of or transferred for recycling from a contiguous facility, a portable facility or an offshore installation. 	<ol style="list-style-type: none"> 1. The toxic substance must be released, disposed of or transferred from a contiguous facility. 2. Wood preservation using creosote must be carried out at the facility. 3. As a result of the wood preservation mentioned in paragraph 2, any amount of the toxic substance must have been released on site, disposed of or transferred off-site for recycling.
3	Toxic substance listed in Part 3 of Schedule 1 to the NPRI Notice	<ol style="list-style-type: none"> 1. Employees at the facility must work a total of 20,000 hours or more or an activity listed in section 2 of Schedule 2 to the NPRI notice must take place at the facility. 2. One or more of the activities set out in clause 9 (b) of Schedule 2 to the NPRI Notice must be carried out at the facility. 3. Subject to subsections (3) and (4), the toxic substance must be released, disposed of or transferred for recycling from a contiguous facility, a portable facility or an offshore installation. 	
4	Toxic substance listed in Part 4 of Schedule 1 to the NPRI Notice	<ol style="list-style-type: none"> 1. Employees at the facility must work a total of 20,000 hours or more or an activity listed in section 2 of Schedule 2 to the NPRI notice must take place at the facility. 2. The amount of the toxic substance released to air must meet or exceed the applicable mass reporting threshold set out for the toxic substance in Table 2 of Schedule 2 to the NPRI Notice. 	<ol style="list-style-type: none"> 1. Employees at the facility must work a total of less than 20,000 hours. 2. Combustion of fuel in stationary combustion equipment must be carried out at the facility.

		3. The toxic substance must be released to air from a contiguous facility, a portable facility or an offshore facility.	3. Subject to subsection (5), the amount of the toxic substance released from the combustion of fuel in stationary combustion equipment must meet or exceed the applicable mass reporting threshold set out for the toxic substance in Table 2 of Schedule 2 to the NPRI Notice. 4. The facility must be a contiguous facility, a portable facility or an off-shore installation.
5	Toxic substance listed in Part 5 of Schedule 1 to the NPRI Notice	1. A report must be required under section 10 or 11 of Schedule 2 to the NPRI Notice for volatile organic compounds released from the facility. 2. The amount of the toxic substance released to the air must meet or exceed one tonne.	
6	Acetone	1. Employees at the facility must work a total of 20,000 hours or more. 2. The amount of acetone manufactured, processed or otherwise used must meet or exceed a mass reporting threshold of three tonnes and a concentration by weight of one per cent.	

(2) For the purposes of Item 2 of Column 2 in the Table to subsection (1), in addition to the particular toxic substance meeting the requirement set out in paragraph 2 of Item 2 of that Column, the sum of the following amounts of all toxic substances listed in Part 2 of Schedule 1 to the NPRI Notice must meet or exceed 50 kilograms:

1. The amounts released on site as a result of incidental manufacture.
2. The amounts disposed of as a result of incidental manufacture.
3. The amounts transferred for recycling as a result of incidental manufacture.

(3) For the purposes of paragraph 3 of Item 3 of Column 2 in the Table to subsection (1), if the toxic substance is a dioxin or a furan, the criteria set out in that paragraph are deemed not to be met in respect of the toxic substance in its gaseous, liquid or solid form if the estimated level of quantification values of the concentration of the toxic substance in that form released on-site, disposed of and transferred off-site for recycling are less than,

- (a) 32 picograms of toxicity equivalents of dioxins and furans per cubic metre of gaseous material;
- (b) 20 picograms of toxicity equivalents of dioxins and furans per litre of liquid material; or
- (c) 9 picograms of toxicity equivalents of dioxins and furans per gram of solid material.

(4) For the purposes of paragraph 3 of Item 3 of Column 2 in the Table to subsection (1), if the toxic substance is hexachlorobenzene, the criteria set out in that paragraph are deemed not to be met in respect of the toxic substance in its gaseous, liquid or solid form if the estimated level of quantification values of the concentration of the toxic substance in that form released on-site, disposed of and transferred off-site for recycling are less than,

- (a) 6 nanograms of hexachlorobenzene per cubic metre of gaseous material;
- (b) 70 nanograms of hexachlorobenzene per litre of liquid material; or
- (c) 2 nanograms of hexachlorobenzene per gram of solid material.

(5) A toxic substance is deemed to not meet the criteria set out in paragraph 3 of Item 4 of Column 3 in the Table to subsection (1) if,

- (a) the substance is released to the air only from stationary, external combustion equipment;
- (b) the cumulative nameplate capacity of the equipment mentioned in clause (a) is less than 10 million British Thermal Units per hour; and
- (c) the only type of fuel combusted in the equipment mentioned in clause (a) is commercial grade natural gas, liquefied petroleum gas, Number 1 or 2 fuel oil or any combination thereof.

TOXIC SUBSTANCE ACCOUNTING

Toxic substance accounting, requirements

10. (1) For the purposes of tracking and quantifying a toxic substance under section 9 of the Act, the owner and the operator of a facility shall create the following records:

- 1. A record that describes every stage of the manufacturing operation at the facility that uses or creates a toxic substance and, for each stage, divides the stage into one or more processes and identifies the processes that use or create the toxic substance.
- 2. At the end of each calendar year, a record of the quantifications made for that year for the purposes of section 9 of the Act.

(2) In determining how many processes to identify in relation to a stage for the purposes of paragraph 1 of subsection (1), the owner and the operator of the facility shall ensure that a sufficient number of processes are identified for that stage to enable the owner and the operator to meet the requirements set out in section 9 of the Act and this section.

(3) For the purposes of tracking and quantifying a toxic substance under section 9 of the Act, for each calendar year in which subsection 3 (1) of the Act applies to the owner and the operator of a facility in respect of a toxic substance, the owner and the operator shall ensure that the tracking and quantification of the substance for each process that uses or creates the substance at the facility are carried out in accordance with the following rules:

- 1. Subject to paragraph 2, the toxic substance shall be tracked and quantified using the best available method or combination of methods, having regard to the following types of methods and how the substance enters a process, what happens to the substance during the process, how it leaves the process and what happens to it after it leaves the process:
 - i. Continuous emission monitoring.
 - ii. Predictive emission monitoring.
 - iii. Source testing or sampling.
 - iv. Mass balance.
 - v. Published emission factors.
 - vi. Site-specific emission factors.
 - vii. Engineering estimates.

2. If the toxic substance is required to be tracked and quantified using a particular method for the purposes of meeting a requirement under federal, provincial or municipal law, the substance shall be tracked and quantified using that method.
3. An uncertainty analysis shall be performed on each method or combination of methods mentioned in paragraph 1 that is used.
4. A record shall be created that describes the method or combination of methods used to track and quantify the toxic substance in a process and the level of uncertainty that is attributed to the information generated by that method.
5. The method used for tracking and quantifying the toxic substance for a process shall not be changed unless,
 - i. it is changed as a result of a review of the toxic substance reduction plan and in accordance with paragraph 7 of section 16, or
 - ii. it is changed for the purposes of complying with a requirement under an Act, an Act of Canada or a municipal by-law.
6. If the method or combination of methods for tracking and quantifying the toxic substance is changed, the record created under paragraph 4 shall be amended to describe the new method or new combination of methods.
7. The amount of a toxic substance used in a process shall be tracked and quantified for the purpose of determining how a toxic substance enters a process.
8. The amount of a toxic substance created, destroyed or transformed during a process shall be tracked and quantified.
9. The following shall be tracked and quantified for the purposes of determining the amount of a toxic substance that leaves a process:
 - i. The amount of the toxic substance in a product that leaves a process.
 - ii. The amount of the toxic substance that is released on-site to air.
 - iii. The amount of the toxic substance that is released on-site to surface waters.
 - iv. The amount of the toxic substance that is released on-site to land.
 - v. The amount of the toxic substance that is disposed of on-site.
 - vi. The amount of the toxic substance that is disposed of off-site.
 - vii. The amount of the toxic substance that is transferred off-site for treatment before final disposal.
 - viii. The amount of the toxic substance that is transferred off-site for recycling.
10. For the purpose of subparagraphs 9 ii to viii, a toxic substance shall be tracked and quantified,
 - i. if it is listed in Part 1, 2 or 3 of Schedule 1 to the NPRI Notice, in the same manner in which a person is required to report on the substance as set out in section 11 of Schedule 3 to the NPRI Notice,

- ii. if it is listed in Part 4 of Schedule 1 to the NPRI Notice, in the same manner in which a person is required to report on the substance as set out in section 20 of Schedule 3 to the NPRI Notice,
 - iii. if it is listed in Part 5 of Schedule 1 to the NPRI Notice, in the same manner in which a person is required to report on the substance as set out in section 25 of Schedule 3 to the NPRI Notice, and
 - iv. if it is acetone, in the same manner in which a person is required to report on a substance listed in Part 1 of Schedule 1 to the NPRI Notice.
11. If the sum of the quantities of a toxic substance that is used and created in a process in a calendar year does not approximately equal the sum of the quantities of the substance that is destroyed, transformed and leaves the process, a record shall be created describing why the sums are not approximately equal.

Exemption, s. 9 of the Act

11. (1) Section 9 of the Act does not apply in respect of a toxic substance that is used or created at a facility in a calendar year if,

- (a) for the calendar year, the owner and the operator of the facility determine that any of the applicable criteria prescribed for the purposes of paragraph 1, 2, 3 or 4 of subsection 3 (1) of the Act have not been met;
- (b) the owner and the operator of the facility ensure that a record is created setting out the determination under clause (a), including a description of the information relied on to make the determination and all quantifications supporting the determination; and
- (c) a certification is made in accordance with subsection (2).

(2) For the purposes of clause (1) (c), the highest ranking employee at the facility who has management responsibilities relating to the facility shall certify, in the language set out in this subsection, the following:

- 1. As of [*insert date*], I certify that the record created for the purposes of clause 11 (b) of Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the *Toxics Reduction Act, 2009* in respect of [*insert toxic substance*] at [*insert name of facility*] complies with that Act and regulation.

PREPARATION OF TOXIC SUBSTANCE REDUCTION PLAN

Contents of toxic substance reduction plan

12. (1) For the purpose of describing each process at the facility under paragraph 4 of subsection 4 (1) of the Act, a toxic substance reduction plan shall contain,

- (a) process flow diagrams that give a visual representation of each process that uses or creates a toxic substance at the facility and the relationship between each process, which diagrams may specify the quantifications made under sub-subparagraph 4 ii C of subsection 4 (1) of the Act;
- (b) a description of the method or combination of methods used to track and quantify the toxic substance in each process that uses or creates the substance at the facility; and
- (c) estimates of the annual costs related to any measures that are necessary as a result of the toxic substance being,
 - (i) used or created at the facility,
 - (ii) released from the facility,

- (iii) disposed of by the facility,
- (iv) transferred from the facility, and
- (v) contained in a product that leaves the facility.

(2) For the purpose of describing and analyzing options for reducing the use and creation of the toxic substance at the facility under paragraph 5 of subsection 4 (1) of the Act, a toxic substance reduction plan shall contain the following:

1. Subject to paragraph 2 and subsection (3), at least one option identified for each of the following categories of toxic substance reduction methods:
 - i. Materials or feedstock substitution.
 - ii. Product design or reformulation.
 - iii. Equipment or process modification.
 - iv. Spill and leak prevention.
 - v. On-site reuse or recycling.
 - vi. Improved inventory management or purchasing techniques.
 - vii. Training or improved operating practices.
 2. If an option cannot be identified for a category listed in paragraph 1, an explanation of why no option could be identified for the category.
 3. For each option identified under paragraph 1, an analysis of the technical feasibility of the option and an analysis of the effects of implementing the option, including,
 - i. estimates of the amount by which the use of the toxic substance at the facility will be reduced, if the substance is used at the facility,
 - ii. estimates of the amount by which the creation of the toxic substance at the facility will be reduced, if the substance is created at the facility,
 - iii. estimates of the amount by which the discharges to air, land or water will be reduced, if the substance is discharged to air, land or water, and
 - iv. estimates of the amount of toxic substance contained in a product leaving the facility that will be reduced, if the substance is contained in a product that leaves the facility.
 4. For each option that has been determined to be technically feasible under paragraph 3, an analysis of the economic feasibility of the option, including the anticipated savings that could result from implementing the option, if any, and the anticipated payback period for the option.
- (3) An option shall not be identified under paragraph 1 if,
- (a) the implementation of the option will violate a provincial law, a federal law or a municipal by-law; or

- (b) after considering the positive and negative impacts of the option on human health and the environment, the option will result in greater negative impacts to human health or the environment.

(4) In giving an estimate for the purposes of this section and paragraph 7 of subsection 4 (1) of the Act, the owner and the operator of a facility shall ensure that,

- (a) the estimate is developed in good faith and using the best available information;
- (b) the information that formed the basis of each estimate and the method or combination of methods that was used to develop the estimate is set out in the toxic substance reduction plan; and
- (c) the estimate is expressed as a percentage in the toxic substance reduction plan.

(5) A toxic substance reduction plan for a toxic substance shall contain the following information:

1. The name of the toxic substance used or created at the facility and the Chemical Abstract Service Registry number for the substance, if a number has been assigned.
2. The National Pollutant Release Inventory (NPRI) identification number for the facility.
3. The identification number assigned to the facility by the Ministry of the Environment for the purposes of Ontario Regulation 127/01 (Airborne Contaminant Discharge Monitoring And Reporting) made under the *Environmental Protection Act*, if one has been assigned.
4. The legal and trade names of the owner and the operator of the facility, the street address of the facility and, if the mailing address of the facility is different from the street address, the mailing address.
5. The number of full-time employee equivalents at the facility, within the meaning of full-time employee equivalents in section 1 of Schedule 4 of the NPRI Notice.
6. The two- and four-digit North American Industry Classification System (NAICS) codes and the six-digit NAICS Canada code for the facility.
7. If applicable, the name, position and telephone number of the individual who is the contact at the facility for the public.
8. If applicable, the name, position and telephone number of the individual who is the technical contact for the facility.
9. The name, position, and telephone number of the individual who is responsible for coordinating the preparation of the toxic substance reduction plan.
10. The name, position and telephone number of the highest ranking employee at the facility who has management responsibilities relating to the facility and who is responsible for making a certification under subsection 4 (2) of the Act.
11. The street and mailing addresses of each person mentioned in paragraphs 7, 8, 9 and 10, if the addresses are different from the addresses mentioned in paragraph 4.
12. The spatial coordinates expressed in Universal Transverse Mercator (UTM) within a North American Datum 83 (NAD83) datum.
13. In respect of each person who is the Canadian parent company of the facility, if applicable,
 - i. the legal name of the person,

- ii. the street and mailing address of the company, if different from the addresses mentioned in paragraph 4,
- iii. if available, the company's percentage of ownership of the person responsible for ensuring a toxic substance reduction plan is prepared, and
- iv. the business number assigned to the company by the Canada Customs and Revenue Agency.

Certification by highest ranking employee

13. (1) If a person certifies a document that contains a single toxic substance reduction plan for the purposes of subsection 4 (2) of the Act, the person shall certify, in the language set out in this subsection, the following in relation to the plan:

1. As of *[insert date]*, I certify that I have read the toxic substance reduction plan for *[insert the toxic substance]* and am familiar with its contents.
2. As of *[insert date]*, I certify that the plan is factually accurate and complies with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under that Act.

(2) If a person certifies a document that contains more than one toxic substance reduction plan for the purposes of subsection 4 (2) of the Act, the person shall certify, in the language set out in this subsection, the following in relation to the plans:

1. As of *[insert date]*, I certify that I have read the toxic substance reduction plans for *[insert the toxic substances]* and am familiar with their contents.
2. As of *[insert date]*, I certify that I have made reasonable inquiries and to my knowledge the plans are factually accurate and comply with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under that Act.

(3) For the purposes of subsection 4 (2) of the Act, if a person certifies a document that contains one single toxic substance reduction plan that has been amended under section 5 of the Act, the person shall certify, in the language set out in this subsection, the following in relation to the amended plan:

1. As of *[insert date]*, I certify that I have read the amended toxic substance reduction plan for *[insert the toxic substance]* and am familiar with its contents.
2. As of *[insert date]*, I certify that to my knowledge the amended toxic substance reduction plan is factually accurate and complies with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under that Act.

(4) For the purposes of subsection 4 (2) of the Act, if a person certifies a document that contains a version of a toxic substance reduction plan that has been amended under section 5 of the Act and at least one other toxic substance reduction plan, for the purposes of subsection 4 (2) of the Act, the person shall certify, in the language set out in this subsection, the following in relation to the amended plan or plans:

1. As of *[insert date]*, I certify that I have read the amended toxic substance reduction *[plan/plans]* for *[insert the toxic substance(s)]* and am familiar with *[its/their]* contents.
2. As of *[insert date]*, I certify that to my knowledge the amended toxic substance reduction *[plan is/plans are]* factually accurate and in compliance with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under that Act.

TOXIC SUBSTANCE REDUCTION PLAN SUMMARIES

Contents of summary

14. (1) For the purposes of section 8 of the Act, a summary of the current version of a toxic substance reduction plan shall contain the following:

1. The information set out in subsection 12 (5) of this Regulation, except for the information mentioned in paragraphs 8, 9 and 10 of subsection 12 (5) and the business number mentioned in paragraph 13 of that subsection.
2. The name of all other toxic substances used or created at the facility for which plans are required to be prepared under subsection 3 (1) of the Act.
3. If a statement mentioned in paragraph 1 of subsection 4 (1) of the Act is included in the plan, a copy of the statement, and if no statement is included, the reasons referred to in paragraph 2 of subsection 4 (1) of the Act.
4. A description of why the toxic substance is used or created at the facility.
5. For the purposes of paragraph 2 of subsection 8 (2) of the Act, a description of any options to be implemented, as identified in a statement under paragraph 6 of subsection 4 (1) of the Act, and, for each of those options, a brief explanation of the estimates set out in the plan in accordance with subparagraphs 7 iii to v of subsection 4 (1) of the Act.
6. If an option to be implemented, as identified in a statement under paragraph 6 of subsection 4 (1) of the Act, will reduce the amount of the toxic substance contained in a product that leaves the facility, a statement to that effect.
7. If no options are identified in a statement under paragraph 6 of subsection 4 (1) of the Act, the statement that no options will be implemented as required under that paragraph and an explanation of the reasons why no options are identified.

(2) A summary of the current version of a toxic substance reduction plan may contain a description of any actions that the owner and the operator of the facility have taken to reduce the use and creation of the toxic substance at the facility, including any actions not identified in the toxic substance reduction plan.

(3) After preparing a new version of a toxic substance reduction plan under section 17, the owner and the operator of a facility shall ensure that the summary prepared under subsection (1) is updated to reflect the information set out in the new version of the plan.

(4) The owner and the operator of a facility shall ensure that any summary required to be prepared under subsection (1) and any updated summary required to be prepared under subsection (3) is given to the Director, made available to the public on the Internet and given to a member of the public upon written request,

- (a) in the case of the first summary of the plan, on or before the day that the plan is required to be prepared; or
- (b) in the case of an updated summary of the plan, on or before the day by which the plan is required to be reviewed.

(5) If a toxic substance reduction plan is amended under section 5 of the Act, the owner and the operator of the facility shall ensure that, if the existing summary of the plan does not reflect the amendments made to the plan, within 30 days after the amendment to the plan is made, the summary prepared under subsection (1) in respect of the plan is amended, given to the Director and made available to the public on the Internet and given to a member of the public upon written request.

REVIEW OF TOXIC SUBSTANCE REDUCTION PLAN

When review must be conducted

15. (1) Subject to subsections (5) and (6), if the owner and the operator of a facility are required under subsection 3 (1) of the Act to ensure that a toxic substance reduction plan is prepared for a toxic substance, the owner and the operator shall,

- (a) if the plan is required to be prepared before January 1, 2018, ensure that the plan is reviewed during 2018 and during each subsequent fifth calendar year; or
- (b) if the plan is required to be prepared on or after January 1, 2018, ensure that the plan is reviewed during the calendar year determined in accordance with subsection (2) and during each subsequent fifth calendar year.

(2) For the purposes of clause (1) (b), the first year during which the plan is required to be reviewed shall be determined by applying the following equation:

$$2018 + 5 (x + 1)$$

where,

x = $(y - 2018)/5$, rounded down to the nearest whole number, and

y = the year in which the plan was required to be prepared.

(3) In addition to conducting a review required under subsection (1) and subject to subsection (4), the owner and the operator mentioned in subsection (1) shall ensure that a toxic substance reduction plan is reviewed during a calendar year if, during the previous calendar year, a significant process change was implemented at the facility.

(4) Subsection (3) does not apply if the significant process change is a result of implementing one of the options identified in a statement included in the toxic substance reduction plan under paragraph 6 of subsection 4 (1) of the Act.

(5) Despite clause (1) (a), no review is required to be conducted in 2018 if the Director is given a notice in accordance with section 21 that includes a statement mentioned in paragraph 3 of subsection 21 (2).

(6) Despite subsection (1), no review is required to be conducted in a calendar year if the toxic substance reduction plan has been reviewed at least once and the Director has been given a notice in accordance with section 21 that includes a statement mentioned in paragraph 4 of subsection 21 (2).

Review of plan, requirements

16. A review of a toxic substance reduction plan conducted for the purposes of section 7 of the Act shall consist of the following:

1. If no statement mentioned in paragraph 1 of subsection 4 (1) of the Act was included in the current version of the plan,
 - i. a determination of whether such a statement should be included in the plan, and
 - ii. if the determination under subparagraph i is that no statement should be included, an examination of whether the reasons under paragraph 2 of subsection 4 (1) of the Act for not including the statement in the current version of the plan remain valid and, if not, the new reasons for not including the statement.

2. If a statement mentioned in paragraph 1 of subsection 4 (1) of the Act was included in the current plan, a determination of whether, due to any change in circumstances at the facility, the statement should be removed from the plan.
3. If the determination is made under paragraph 2 that that the statement should be removed from the plan, an explanation of the reasons for removing the statement, including,
 - i. a description of the change in circumstances at the facility that resulted in the removal of the statement, and
 - ii. whether the removal of the statement is the result of the successful implementation of an option to reduce the use or creation of the toxic substance.
4. A determination of whether any objectives for reducing the use or creation of the toxic substance set out in the current version of the plan, including any targets, remain valid or should be revised, and if revision is required, a determination of the new objectives or targets.
5. A review of the description of each process at the facility mentioned in paragraph 4 of subsection 4 (1) of the Act, including the quantifications mentioned in sub-subparagraphs 4 ii B and C of subsection 4 (1) of the Act, for the purpose of determining whether the descriptions and quantifications in the current version of the plan remain valid, having regard to the quantifications made in accordance with section 9 of the Act.
6. If the determination made under paragraph 5 is that any of the descriptions or quantifications are no longer valid, a determination of the new descriptions and quantifications, including all quantifications made during the period since the most recent review or since the plan was prepared, as the case may be, but not including the quantifications for the year in which the current review is being performed.
7. A review of the current methods or combination of methods used for tracking and quantifying the toxic substance for each process at the facility that uses or creates the substance, for the purpose of determining whether the method remains the best available method or combination of methods, having regard to the matters specified in paragraph 1 of subsection 10 (3) and the uncertainty analysis performed in respect of the method in accordance with paragraph 3 of subsection 10 (3), and the identification of new methods of combinations of methods, if applicable.
8. A review of each process flow diagram required under clause 12 (1) (a) in the current version of the plan to ensure that it is accurate and complete and that each process at the facility that uses or creates a toxic substance to which the plan relates and the relationships between the processes are represented in a diagram.
9. A determination of whether the estimates of annual costs associated with the toxic substance mentioned in clause 12 (1) (c) remain valid, and if a revision is required, a determination of new estimates.
10. An identification and analysis of options for reducing the use and creation of the toxic substance at the facility in accordance with subsections 12 (2), (3) and (4).
11. A review of all errors in the current version of the plan, including any errors reported to the Director in accordance with section 23.

Preparation of new version of plan after review

17. (1) After a review is conducted in accordance with section 16, the owner and the operator of a facility shall ensure that, on or before December 31 in the year in which the review is required to be conducted, a new version of the toxic substance reduction plan is prepared, containing any additional information and any updated or corrected information identified in conducting the review, which may include the following:

1. A statement mentioned in paragraph 1 of subsection 4 (1) of the Act.
2. Reasons for not including or for removing a statement mentioned in paragraph 1 of subsection 4 (1) of the Act.
3. Updated objectives, including targets.
4. Updated or new descriptions of processes, and updated or new quantifications.
5. New methods or combinations of methods.
6. New cost estimates related to any measures that are necessary as a result of the toxic substance being,
 - i. used or created at the facility,
 - ii. released from the facility,
 - iii. disposed of by the facility,
 - iv. transferred from facility, and
 - v. contained in a product that leaves the facility
7. Updated process flow diagrams.
8. New descriptions and analysis of options, including an analysis of the technical and economic feasibility of each option and an analysis of the effectiveness of each option as required by paragraphs 3 and 4 of subsection 12 (2).
9. Corrections to any errors in the current version of the plan.
10. The certification described in subsection (2) or (3), as the case may be.

(2) If a person certifies a document that contains a new version of a single toxic substance reduction plan for the purposes of subsection 4 (2) of the Act, the person shall certify, in the language set out in this subsection, the following in relation to the plan:

1. I certify that, during [*insert calendar year of review of plan*], a review of the toxic substance reduction plan for [*insert toxic substance*] has been conducted in accordance with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the Act.
2. I certify that, as of [*insert date*], I have read the new version of the toxic substance reduction plan for [*insert the toxic substance*] and am familiar with its contents.
3. I certify that, as of [*insert date*], to my knowledge the plan is factually accurate and complies with the Act and the regulations.

(3) If a person certifies a document that contains a new version of a toxic substance reduction plan and at least one other toxic substance reduction plan, for the purposes of subsection 4 (2) of the Act, the person shall certify, in the language set out in this subsection, the following in relation to the new version or versions:

1. I certify that, during [*insert calendar year of review of plan or plans*], a review of the toxic substance reduction [*plan/plans*] for [*insert toxic substance(s)*] has been conducted in accordance with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the Act.

2. I certify that, as of *[insert date]*, I have read the new *[version/versions]* of the toxic substance reduction *[plan/plans]* for *[insert the toxic substance(s)]* and am familiar with *[its/their]* contents.
3. I certify that, as of *[insert date]*, to my knowledge the *[plan is/plans are]* factually accurate and comply with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the Act.

REPORTS AND PUBLIC INFORMATION

Report under s. 10 of the Act

18. (1) If the owner and the operator of a facility are required to prepare a report for the purposes of section 10 of the Act, the owner and the operator shall ensure that the report is given to the Director on or before June 1 in each year respecting the use and creation of the toxic substance at the facility in the previous calendar year and containing the following information:

1. The information set out in subsection 12 (5).
2. The name of all other toxic substances used or created at the facility for which plans are required to be prepared under subsection 3 (1) of the Act.
3. If the report is prepared by a person other than the owner or the operator of the facility, the name and address of the person who prepared the report.
4. For the purposes of clause 10 (2) (a) of the Act,
 - i. a description of the method or combination of methods used to track and quantify the toxic substance, as set out in the record referred to in paragraph 4 of subsection 10 (3) of this Regulation,
 - ii. on a facility-wide basis, the results of the tracking and quantification for the toxic substance in respect of,
 - A. the amount of the toxic substance used,
 - B. the amount of the toxic substance created,
 - C. the amount of the toxic substance in a product that leaves a process,
 - D. the amount of the toxic substance that is released on-site into air,
 - E. the amount of the toxic substance that is released on-site to surface waters,
 - F. the amount of the toxic substance that is released on-site to land,
 - G. the amount of the toxic substance that is disposed of on-site,
 - H. the amount of the toxic substance that is disposed of off-site,
 - I. the amount of the toxic substance that is transferred off-site for treatment before final disposal, and
 - J. the amount of the toxic substance that is transferred off-site for recycling, and
 - iii. a comparison of the results mentioned in subparagraph ii to the results reported for the most recent year for which a report has been submitted under section 10 of the Act, expressed as a percentage and in the units of measurement specified in section 25.

5. If the comparison mentioned in subparagraph 4 iii reveals a change in the quantification of toxic substances between reporting periods, an explanation of the reasons for the change.
6. An indication of whether there has been a change in the method or combination of methods used to track and quantify the toxic substance during the reporting period and a description of the change.
7. An indication of whether there has been a significant process change during the reporting period.
8. An indication of whether any incident out of the normal course of events occurred at the facility and whether the incident affected the results of tracking and quantification required for a substance under section 9 of the Act and, if so, an explanation of how.
9. The objectives of the toxic substance reduction plan, including any targets for reducing the use and creation of the toxic substance at the facility.
10. For the purposes of clause 10 (2) (b) of the Act,
 - i. in respect of the options identified in the toxic substance reduction plan that are to be implemented,
 - A. a description of the steps taken during the reporting period to implement the option,
 - B. the amount of reduction in the use, creation and discharge to air, land or water of the toxic substance at the facility during the reporting period that resulted due to the steps mentioned in sub-subparagraph A,
 - C. the amount of reduction in the amount of toxic substance contained in product at the facility during the reporting period that resulted due to the steps mentioned in sub-subparagraph A, and
 - D. an indication of whether the timetable included in the plan for the option will be met,
 - ii. a description of any additional steps that have been taken during the reporting period to achieve the plan's objectives, including any targets specified in the plan,
 - iii. the amount of reduction in the use, creation and discharge to air, land or water of the toxic substance at the facility during the reporting period that resulted due to the steps mentioned in subparagraph ii, and
 - iv. the amount of reduction in the amount of toxic substance contained in product at the facility during the reporting period that resulted due to the steps mentioned in subparagraph ii.
11. A comparison of the steps described under paragraph 10 and the steps described in the toxic substance reduction plan under subparagraph 7 i of subsection 4 (1) of the Act.
12. A certification signed by the highest ranking employee at the facility who has management responsibilities relating to the facility and that meets the requirements set out in subsection (3) or (4), as the case may be.

(2) The information relating to the release, disposal or transfer of a toxic substance under subparagraphs 4 i and ii of subsection (1) shall be reported,

- (a) if the toxic substance is listed in Parts 1 to 3 of Schedule 1 to the NPRI Notice, in the same manner in which a person is required to report on the substance as set out in section 11 of Schedule 3 to the NPRI Notice;
- (b) if the toxic substance is listed in Part 4 of Schedule 1 to the NPRI Notice, in the same manner in which a person is required to report on the substance as set out in section 20 of Schedule 3 to the NPRI Notice;
- (c) if the toxic substance is listed in Part 5 of Schedule 1 to the NPRI Notice, in the same manner in which a person is required to report on the substance as set out in section 25 of Schedule 3 to the NPRI Notice; and
- (d) if the toxic substance is acetone, in the same manner in which a person is required to report on a substance listed in Part 1 of Schedule 1 to the NPRI Notice, as set out in section 11 of Schedule 3 to the NPRI Notice.

(3) If a person certifies, for the purposes of paragraph 12 of subsection (1), a document that contains a single report on a toxic substance reduction plan, the person shall certify, in the language set out in this subsection, the following in relation to the report:

- 1. As of [*insert date*], I certify that I have read the report on the toxic substance reduction plan for [*insert the toxic substance*] and am familiar with its contents.
- 2. As of [*insert date*], I certify that to my knowledge the report complies with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the Act.

(4) If a person certifies, for the purposes of paragraph 12 of subsection (1), a document that contains more than one report on a toxic substance reduction plan, the person shall certify, in the language set out in this subsection, the following in relation to the reports:

- 1. As of [*insert date*], I certify that I have read the reports on the toxic substance reduction plans for [*insert the toxic substances*] and am familiar with their contents.
- 2. As of [*insert date*], I certify that to my knowledge the reports comply with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the Act.

Information made available to public

19. (1) The owner and the operator of a facility, for the purposes of subsection 10 (4) of the Act, shall ensure that the following information contained in a report prepared under section 10 of the Act is made available to the public on the Internet and given to a member of the public upon written request:

- 1. The information referred to in paragraph 1 of subsection 18 (1), except for the information mentioned in paragraphs 8, 9 and 10 of subsection 12 (5) and the business number mentioned in paragraph 13 of that subsection.
- 2. The information referred to in paragraph 2 of subsection 18 (1).
- 3. The information referred to in subparagraphs 4 ii and iii of subsection 18 (1).
- 4. A summary of the reasons referred to in paragraph 5 of subsection 18 (1).
- 5. The information referred to in paragraph 9 of subsection 18 (1).
- 6. A summary of the information referred to in paragraphs 10 and 11 of subsection 18 (1).

7. The certification mentioned in paragraph 12 of subsection 18 (1).
8. A summary of any descriptions included in the report under clause 10 (2) (b) (iii) of the Act.

(2) For the purposes of paragraph 3 of subsection (1), the information mentioned in sub-subparagraphs 4 ii A, B and C of subsection 18 (1) may be expressed in ranges.

(3) The Director may, for the purposes of subsection 10 (5) of the Act, make available to the public the information set out in subsection (1) by,

- (a) posting the notice on the Internet; and
- (b) giving a copy of the notice to a member of the public, upon written request.

(4) Subject to subsection (5), the Director shall make available to the public any notice that is given to the Director under section 20 or 21 by,

- (a) posting the notice on the Internet; and
- (b) giving a copy of the notice to a member of the public, upon written request.

(5) Subsection (4) does not apply in respect of a copy of a record mentioned in clause 11 (1) (b) that is included in a notice given under section 20.

Exemption, s. 10 of the Act

20. The owner and the operator of a facility are exempt in a calendar year from section 10 of the Act and from sections 18 and 19 of this Regulation in respect of reporting on or making information available to the public in respect of a toxic substance if a determination has been made under section 11 of this Regulation that any of the applicable criteria prescribed for the purposes of paragraph 1, 2, 3 or 4 of subsection 3 (1) of the Act have not been met and,

- (a) the owner or the operator of the facility gives the Director notice of the determination on or before June 1 in the year following the year for which the determination is made; and
- (b) the notice includes a copy of the record mentioned in clause 11 (1) (b) and the certification mentioned in clause 11 (1) (c).

MISCELLANEOUS

Termination Notice

21. (1) If the owner or the operator of a facility gives a notice in accordance with this section to the Director, the owner and the operator are exempt from the requirements of the Act and this Regulation in respect of the use and creation of the toxic substance in respect of which the notice has been given.

(2) For the purposes of subsection (1), the notice shall include one of the following statements:

1. The facility does not belong to a class of facilities prescribed for the purposes of paragraph 1 of subsection 3 (1) of the Act.
2. The owner and the operator have permanently ceased to use and create the toxic substance in all processes at the facility.
3. The applicable criteria prescribed for the purposes of paragraph 4 of subsection 3 (1) of the Act are not met in 2015, 2016 and 2017.
4. The applicable criteria prescribed for the purposes of paragraph 4 of subsection 3 (1) of the Act are not met in any three consecutive years after 2018.

(3) A notice given under this section shall include a description of the circumstances that led to the giving of the notice.

(4) A notice that includes a statement mentioned in paragraph 3 or 4 of subsection (2) shall include,

- (a) a copy of the record mentioned in clause 11 (1) (b) and the certification mentioned in clause 11 (1) (c); or
- (b) a copy of each report prepared for the purposes of section 10 of the Act in respect of the three relevant years.

(5) A notice given under this section shall include a certification signed by the highest ranking employee at the facility who has management responsibilities relating to the facility.

(6) If a person certifies a notice under subsection (5), the person shall certify, in the language set out in this subsection, the following in relation to the notice:

1. As of [*insert date*], I certify that I have read the notice prepared for the purposes of subsection 21 (1) of Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under the *Toxics Reduction Act, 2009* in respect of [*insert description of circumstances in paragraph 1, 2, 3 or 4 of subsection 21 (1)*] and am familiar with its contents.
2. As of [*insert date*], I certify that to my knowledge the notice complies with the *Toxics Reduction Act, 2009* and Ontario Regulation [**O. Reg. number assigned to this Regulation on filing**] (General) made under that Act.

(7) Despite subsection (1), if all the criteria set out in subsection 3 (1) of the Act are met in any subsequent calendar year after a notice is given under this section, the exemption under subsection (1) ceases to apply in that calendar year and, despite subsection 5 (4) of this Regulation, a new toxic substance reduction plan shall be prepared for the substance.

Records retention

22. (1) The owner and the operator of a facility shall retain at the facility every record that it creates or acquires for the purposes mentioned in subsection (2) for a period of at least seven years after the date that the record is created or acquired or if the record is required to be certified, after the date the record is certified.

(2) The purposes mentioned in subsection (1) are the following:

1. Preparing a toxic substance reduction plan in accordance with section 4 of the Act.
2. Amending a toxic substance reduction plan in accordance with section 5 of the Act.
3. Reviewing a toxic substance reduction plan in accordance with section 7 of the Act.
4. Preparing a summary of a current version of a toxic substance reduction plan in accordance with section 8 of the Act.
5. Tracking and quantifying toxic substances in accordance with section 9 of the Act.
6. Preparing a report in accordance with section 10 of the Act.

(3) The owner and operator of a facility shall retain at the facility each version of a toxic substance reduction plan that has been prepared under the Act for a period of at least seven years after the date the version of the plan is certified in accordance with subsection 4 (2) of the Act.

Notice of errors and change of ownership

23. (1) Subject to subsection (2), the owner and the operator of a facility shall, within 30 days after becoming aware of a mistake or inaccuracy in a document mentioned in subsection (3), notify the Director of the mistake or inaccuracy and submit the corrected information.

(2) The owner and the operator of a facility may apply to the Director for an extension of the time limit set out in subsection (1) and the Director may specify an extended time limit if, in the opinion of the Director, the extended time limit is necessary to correct the mistake or inaccuracy.

(3) The documents referred to in subsection (1) are the following:

1. A summary of a toxic substance reduction plan prepared and given to the Director in accordance with section 8 of the Act.
2. A report prepared and given to the Director in accordance with section 10 of the Act.
3. Notices given to the Director in accordance with sections 20 and 21.

(4) If, in accordance with the NPRI Notice, the owner and the operator of a facility notifies the federal Minister of the Environment that the ownership or operation of the facility has changed, a copy of the notice shall be given to the Director.

Forms

24. If the Act or this Regulation requires or permits the submission or giving of a summary, notice or report, the summary, notice or report must be in an electronic form provided by or approved by the Director.

Unit of measurement, information for public or Director

25. If the owner and the operator of a facility is required by the Act or this Regulation to make any information related to a toxic substance available to the public or to give any information related to a toxic substance to the Director, the owner and the operator shall, in making the information available or giving the information, use,

- (a) the unit of measurement required to be used when tracking or reporting on the toxic substance for the purposes of the NPRI Notice, if the toxic substance is a substance listed in Schedule 1 to the NPRI Notice; and
- (b) tonnes, if the toxic substance is acetone.

TABLE A

Item	Column 1	Column 2	Column 3
	Toxic Substance	CAS#	NPRI Part
1	Acetaldehyde	75-07-0	1
2	Acrylamide	79-06-1	1
3	Aluminum ¹	7429-90-5	1
4	Antimony ²	**	1
5	Arsenic ³	**	1
6	Asbestos ⁴	1332-21-4	1
7	Benzene	71-43-2	1,5
8	Biphenyl	92-52-4	1
9	1,3 –Butadiene	106-99-0	1,5
10	Cadmium ⁵	**	1
11a	Benzoyl chloride	98-88-4	1
11b	Benzyl chloride	100-44-7	1
12	Chlorine	7782-50-5	1
13	Chromium ⁶	**	1
14	Cobalt ⁷	**	1
15	Copper ⁸	**	1
16	Creosote	8001-58-9	5
17	Cyanides ⁹	**	1
18	1,2-Dichloroethane	107-06-2	1,5
19a	2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	3
19b	1,2,3,7,8-Pentachlorodibenzo-p-dioxin	40321-76-4	3
19c	1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin	39227-28-6	3
19d	1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin	19408-74-3	3
19e	1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin	57653-85-7	3
19f	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin	35822-46-9	3
19g	Octachlorodibenzo-p-dioxin	3268-87-9	3
19h	2,3,7,8-Tetrachlorodibenzofuran	51207-31-9	3
19i	2,3,4,7,8-Pentachlorodibenzofuran	57117-31-4	3
19j	1,2,3,7,8-Pentachlorodibenzofuran	57117-41-6	3
19k	1,2,3,4,7,8-Hexachlorodibenzofuran	70648-26-9	3
19l	1,2,3,7,8,9-Hexachlorodibenzofuran	72918-21-9	3
19m	1,2,3,6,7,8-Hexachlorodibenzofuran	57117-44-9	3
19n	2,3,4,6,7,8-Hexachlorodibenzofuran	60851-34-5	3
19o	1,2,3,4,6,7,8-Heptachlorodibenzofuran	67562-39-4	3
19p	1,2,3,4,7,8,9-Heptachlorodibenzofuran	55673-89-7	3
19q	Octachlorodibenzofuran	39001-02-0	3
20	Epichlorohydrin	106-89-8	1
21	Ethylbenzene	100-41-4	1
22	Ethylene Oxide	75-21-8	1
23	Formaldehyde	50-00-0	1,5
24	Hexachlorobenzene	118-74-1	3

Item	Column 1	Column 2	Column 3
25	Hexavalent Chromium compounds	**	1
26	Hydrochloric acid	7647-01-0	1
27	Lead ^{10,11}	**	1
28	Manganese ¹²	**	1
29	Mercury ¹³	**	1,2
30	Methanol	67-56-1	1,5
31	Nickel ¹⁴	**	1
32	Phenol ¹⁵	108-95-2	1
33	p,p'-methylenebis (2-chloroaniline)	101-14-4	1
34	Selenium ¹⁶	**	1
35	Silver ¹⁷	**	1
36	Styrene Oxide	96-09-3	1
37a	Sulphuric acid	7664-93-9	1
37b	Dimethyl sulphate	77-78-1	1
37c	Diethyl sulphate	64-67-5	1
38	Tetrachloroethylene	127-18-4	1
39	Thorium Dioxide	1314-20-1	1
40	Toluene	108-88-3	1,5
41a	Acenaphthene	83-32-9	2
41b	Acenaphthylene	208-96-8	2
41c	Anthracene	120-12-7	1
41d	Benzo(a)anthracene	56-55-3	2
41e	Benzo(a)phenanthrene	218-01-9	2
41f	Benzo(a)pyrene	50-32-8	2
41g	Benzo(b)fluoranthene	205-99-2	2
41h	Benzo(e)pyrene	192-97-2	2
41i	Benzo(g,h,i)perylene	191-24-2	2
41j	Benzo(j)fluoranthene	205-82-3	2
41k	Benzo(k)fluoranthene	207-08-9	2
41l	Dibenzo(a,j)acridine	224-42-0	2
41m	Dibenzo(a,h)acridine	226-36-8	2
41n	Dibenzo(a,h)anthracene	53-70-3	2
41o	Dibenzo(a,e)fluoranthene	5385-75-1	2
41p	Dibenzo(a,e)pyrene	192-65-4	2
41q	Dibenzo(a,h)pyrene	189-64-0	2
41r	Dibenzo(a,i)pyrene	189-55-9	2
41s	Dibenzo(a,1)pyrene	191-30-0	2
41t	7H-Dibenzo(c,g)carbazole	194-59-2	2
41u	7,12-Dimethylbenz(a)anthracene	57-97-6	2
41v	Fluoranthene	206-44-0	2
41w	Fluorene	86-73-7	2
41x	Indeno(1,2,3-c,d)pyrene	193-39-5	2
41y	3-Methylcholanthrene	56-49-5	2
41z	5-Methylchrysene	3697-24-3	2

Item	Column 1	Column 2	Column 3
41aa	Naphthalene	91-20-3	1
41ab	1-Nitropyrene	5522-43-0	2
41ac	Perylene	198-55-0	2
41ad	Phenanthrene	85-01-8	2
41ae	Pyrene	129-00-0	2
42	Trichloroethylene	79-01-6	1
43	Triethylamine	121-44-8	1
44	Vanadium ¹⁸	7440-62-2	1
45	Vinyl Chloride	75-01-4	1
46	Xylene ¹⁹	1330-20-7	1, 5
47	Zinc ²⁰	**	1

** no single CAS number applies to this substance

¹ fume or dust

² and its compounds

³ and its compounds

⁴ friable form

⁵ and its compounds

⁶ and its compounds, except hexavalent chromium compounds

⁷ and its compounds

⁸ and its compounds

⁹ ionic

¹⁰ and its compounds, except tetraethyl lead (CAS No. 78-00-2)

¹¹ does not include lead (and its compounds) contained in stainless steel, brass or bronze alloys.

¹² and its compounds

¹³ and its compounds

¹⁴ and its compounds

¹⁵ and its salts. The CAS Number corresponds to the weak acid or base. However, this substance includes the salts of these weak acids and bases. When calculating the weight of these substances and their salts, use the molecular weight of the acid or base, not the total weight of the salt.

¹⁶ and its compounds

¹⁷ and its compounds

¹⁸ (except when in an alloy) and its compounds

¹⁹ all isomers, including the individual isomers of xylene: m-xylene (CAS No. 108-38-3), o-xylene (CAS No. 95-47-6) and p-xylene (CAS No. 106-42-3)

²⁰ and its compounds

NOTE: A footnote that qualifies the listing of a toxic substance in this Table is the same footnote that qualifies its listing in Schedule 1 to the NPRI Notice.