ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

SUBSTANCE RELEASE REGULATION

Alberta Regulation 124/1993

With amendments up to and including Alberta Regulation 114/2006

Office Consolidation

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Environmental Protection and Enhancement Act

SUBSTANCE RELEASE REGULATION

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Definitions

1(1) In this Regulation,

(a) “Act” means the Environmental Protection and Enhancement Act;

(b) “Alberta Stack Sampling Code” means the publication numbered REF.89 published by the Department, as amended from time to time;

(c) “ambient air” means the atmosphere surrounding the earth, but does not include the atmosphere in a structure or in any underground space;

(d) “burnable debris” means all combustible waste other than prohibited debris and includes but is not limited to

(i) straw and stubble;

(ii) grass and weeds;

(iii) leaves and tree prunings;

(iv) brush and fallen trees on newly cleared land or associated with logging operations;

(v) used power, telegraph and telephone poles that do not contain wood preservatives;

(vi) wooden materials, which do not contain wood preservatives, from the construction or demolition of buildings;

(vii) repealed AR 114/2006 s2;

(viii) solid waste from post and pole operations that does not contain wood preservatives;

(ix) solid waste from tree harvesting operations;
(e) “Director” means the person designated by Ministerial order as Director for the purposes of this Regulation;

(f) “effluent stream” means any substance in a gaseous medium released by or from a plant;

(g) “particulates” means any substance, except uncombined water, that has definite physical boundaries at standard conditions;

(h) “person responsible” means the owner and the operator or any other person in charge of a plant or activity;

(i) “plant” means all buildings, structures, process equipment, pollution abatement equipment, pipelines, vessels, storage and material handling facilities, railways, roadways and other installations used in or for any activity listed in section 2 of the Schedule of Activities in the Act, including the land that is used in or for the activity;

(j) “prohibited debris” means any combustible waste that, when burned, may result in the release to the atmosphere of dense smoke, offensive odours or toxic substances and includes but is not limited to

   (i) repealed AR 177/99 s2;

   (ii) animal manure;

   (iii) pathological waste;

   (iv) non-wooden material;

   (v) waste material from building or construction sites, excluding wooden materials that do not contain wood preservatives;

   (vi) combustible material in automobile bodies;

   (vii) tires;

   (viii) rubber or plastic, or anything containing or coated with rubber or plastic or similar substances, except rubber or plastic attached to shredded scrap steel;

   (ix) repealed AR 114/2006 s2;

   (x) used oil;

   (xi) wood or wood products containing substances for the purpose of preserving wood;
(k) “rural area” means any area of land that is not an urban area;

(l) “standard conditions” means a temperature of 25 degrees Celsius and a barometric pressure of 760 millimetres of mercury;

(m) “undiluted” means a condition that does not include air or other gases in excess of the quantity necessary for processing requirements;

(n) “urban area” means

(i) a city, town, village or summer village, or

(ii) an area of land, other than a city, town, village or summer village, that has a population density of at least 3 persons per hectare and is declared by order of the Minister to be an urban area,

and all land within 8 kilometres surrounding the boundary of the city, town, village, summer village or area.

(2) Where a term is used in Column A of the Schedule to this Regulation, it has the same meaning as provided for in section 3(2) of the Activities Designation Regulation.

AR 124/93 s1;191/96;177/99;159/2005;114/2006

Part 1
Visible Emissions

Definitions

2 In this Part,

(a) “observer” means a visible emission reader who is the holder of a Certificate of Qualification issued under section 3;

(b) “opacity” means the degree to which visible emissions obstruct the passage of light, as determined in accordance with this Part;

(c) “smoke generator” means a device capable of manufacturing and monitoring smoke of different opacities;

(d) “source” includes a source that has the capacity to move up to a maximum speed of one kilometre per hour;
(e) “visible emissions” means any substance that, when released into the atmosphere, can be detected by an observer, but does not include an open smokeless flame.

Certification of visible emission readers

3(1) The program prescribed in the publication entitled *A Manual for Training and Certification of Observers and Evaluation of Visible Emissions* published by the Department and numbered Publication VEE-2/77, as amended from time to time, is hereby established as the program for the certification of visible emission readers under this Regulation.

(2) The Director shall issue a Certificate of Qualification in a form prescribed by the Director to a person who completes the program referred to in subsection (1) to the satisfaction of the Director.

Maximum opacity of visible emissions

4(1) Where the opacity of visible emissions from a source is not governed by the terms and conditions of an approval or by a code of practice, the visible emissions released from the source shall not exceed an opacity of 40%

(a) averaged in accordance with subsection (5), where an observer determines the opacity, or

(b) averaged over a period of 6 consecutive minutes, where the opacity is determined by another method prescribed by the Director.

(2) Notwithstanding subsection (1),

(a) the visible emissions emitted from the start-up or shut-down of waste burners that are used only for the purposes of burning wood waste may exceed an opacity of 40% for an aggregate period of not more than 30 minutes in any period of 8 consecutive hours, and

(b) the visible emissions emitted from soot blowing or process purging or from rapping of electrostatic precipitators may not exceed an opacity of 40% for a period of more than 6 consecutive minutes in any period of 60 consecutive minutes.

(3) Subsections (1) and (2) do not apply to

(a) smoke generators used in the program referred to in section 3(1);
(b) fires used in firefighting training under the direction or with the consent of
   (i) a municipal fire department,
   (ii) the Provincial Fire Commissioner or his representative,
   (iii) a director of a municipal disaster services agency under the Public Safety Services Act, or
   (iv) a designated person for a plant
       if the Director is notified in advance of the training;
(c) fires used for warmth, comfort or recreational purposes inside dwellings and fires used for recreational purposes outside dwellings;
(d) fires used for community recreational events;
(e) open fires used for burning of burnable debris;
(f) open fires for disposing of prohibited debris that are conducted in accordance with the appropriate approval;
(g) visible emissions resulting from burning for the purpose of ground thawing operations, if materials producing dense smoke are not used.

(4) For the purposes of this Part, the opacity of visible emissions shall be determined by
   (a) an observer, or
   (b) any other method prescribed by the Director.

(5) An observer shall determine the opacity of visible emissions by averaging 24 consecutive readings taken over a period of 6 consecutive minutes at 15-second intervals.

Emissions impairing visibility
5 No person shall release or permit the release into the ambient air of a visible emission so that it impairs visibility on a highway or on a developed property.
Part 2
Particulate Release

Interpretation and application
6 In this Part,
(a) “dry” means a condition that does not include uncombined water vapour;
(b) “lead” means the element lead;
(c) “lead alloy” means an alloy of lead that contains 40% or more of lead by weight;
(d) “normal cubic metre” means the quantity of gas occupying a volume of one cubic metre at standard conditions;
(e) “reverberatory furnace” includes a stationary, rotating, rocking or tilting furnace;
(f) “secondary lead smelter” means any plant or factory in which lead-bearing scrap or lead-bearing materials, other than lead-bearing concentrates derived from a mining operation, are processed by metallurgical or chemical processes into refined lead, lead alloys or lead oxide;
(g) “valid test run” means a source sampling test run in which the sampling rates at each point are within plus or minus 10% of the isokinetic sampling rate at that point as outlined in the Alberta Stack Sampling Code.

Prohibited devices
7 No person shall use or permit the use of any device that may dilute for the purpose of concealing the true concentration, or otherwise conceal the true concentration, of particulates from an effluent stream.

Maximum concentrations
8(1) The concentration of particulates in each effluent stream from a source to the ambient air shall not exceed the following:
(a) 0.20 grams per kilogram of effluent adjusted to 50% excess air for products of combustion resulting from the combustion of solid and liquid fuels including coal, coke, hogged fuel, distillate and residual fuel oils, but not including refuse;
(b) 0.20 grams per kilogram of effluent resulting from
(i) the manufacturing of portland cement,

(ii) the manufacturing of lime,

(iii) operations involving the processing, storing or handling of chemicals,

(iv) the operation of a foundry,

(v) the manufacturing of asphalt,

(vi) the manufacturing of organic or inorganic chemicals,

(vii) the manufacturing of fertilizer,

(viii) the processing of hydrocarbons or petroleum products,

(ix) the manufacturing or processing of stone, clay, shale, mineral, glass or fibreglass products,

(x) the processing and handling of coal,

(xi) the manufacturing of coke or carbon products,

(xii) the manufacturing of asphaltic shingles,

(xiii) the manufacturing of pulp or paper products,

(xiv) the operation of a seed cleaning plant, feed mill or grain handling facility located in an urban area having a population of 50,000 or more,

(xv) the operation of a canola processing plant or a flour mill,

(xvi) the operation of a wood processing plant or woodworking operation located in an urban area having a population of 50,000 or more,

(xvii) the operation of a wood waste burner located in an urban area, or

(xviii) the operation of a refuse incinerator having a capacity of 227 kilograms per hour or greater;

(c) 0.60 grams per kilogram of effluent resulting from

(i) the operation of a seed cleaning plant, feed mill or grain handling facility located in an urban area having a population of under 50,000 or in a rural area,
(ii) the operation of a wood processing plant or woodworking operation located in an urban area having a population of under 50,000 or in a rural area,

(iii) the operation of a wood waste burner located in a rural area, or

(iv) the operation of a refuse incinerator having a capacity of less than 227 kilograms per hour.

(2) Subsection (1) does not apply to the release of particulates from the following sources:

(a) the starting of a fire in
   (i) an incinerator, or
   (ii) a processing or manufacturing plant;

(b) banking or cleaning fires in
   (i) an incinerator, or
   (ii) a processing or manufacturing plant;

(c) soot blowing or process purging;

(d) fires used in firefighting training under the direction or with the consent of
   (i) a municipal fire department,
   (ii) the Provincial Fire Commissioner or his representative,
   (iii) a director of a municipal disaster service agency under the Public Safety Services Act, or
   (iv) a designated person for a plant,

   if the Director is notified in advance of the training;

(e) fires used for warmth, comfort or recreational purposes inside dwellings and fires used for recreational purposes outside dwellings;

(f) fires used for community recreational events;

(g) open fires used for burning of burnable debris;
(h) open fires for disposing of prohibited debris that are conducted in accordance with the appropriate approval;

(i) sources described in section 9;

(j) burning for the purpose of ground thawing operations.

Secondary lead smelters

9(1) The concentration of particulates released into the ambient air from each source in a secondary lead smelter shall not exceed the following:

(a) 0.046 grams per normal cubic metre of effluent from operations involving the use of blast furnaces, cupolas or reverberatory furnaces;

(b) 0.023 grams per normal cubic metre of effluent from operations involving

(i) the use of holding furnaces, pot furnaces, lead oxide production units or any other melting or refining operations, or

(ii) scrap and material handling and sorting, crushing, grinding, screening, conveying or casting, furnace tapping, furnace slagging, furnace cleaning, or any other source including building ventilation,

measured dry and undiluted in accordance with the method described in the Alberta Stack Sampling Code.

(2) In particulates released to the ambient air from the operations referred to in subsection (1), the concentration of lead shall not exceed

(a) 0.029 grams per normal cubic metre of effluent in the case of operations referred to in subsection (1)(a), or

(b) 0.014 grams per normal cubic metre of effluent in the case of operations referred to in subsection (1)(b),

measured in accordance with the method described in Standard Reference Methods for Source Testing: Measurement of Emissions of Particulate Matter and Lead from Secondary Lead Smelters, Department of the Environment Report (Canada) EPS 1-AP-78-3 dated June 1979, as amended from time to time, or in accordance with an equivalent method that is satisfactory to the Director.

(3) Notwithstanding subsection (1) or (2), the maximum concentrations prescribed in those subsections may be exceeded in
the event of a malfunction or breakdown in the release control equipment or the process equipment associated with the operations referred to in those subsections if the time during which the release standards are exceeded is not more than,

(a) in respect of a cupola or blast furnace, a total of 2 hours per month;

(b) in respect of a reverberatory furnace, a total of one hour per month;

(c) in respect of any operations referred to in subsection (1)(b)(i),

(i) 15 minutes for a single malfunction or breakdown, and

(ii) a total of one hour per month;

(d) in respect of any operations referred to in subsection (1)(b)(ii), a total of one hour per month.

(4) The Director may at any time request the person responsible for a secondary lead smelter to submit to the Director information and samples respecting the operating of the secondary lead smelter or the malfunction or breakdown in the release control equipment or process equipment.

(5) A person who receives a request under subsection (4) shall comply with it within the time specified in the request or within a reasonable time, where no time is specified in the request.

(6) The person responsible for a secondary lead smelter shall perform or cause to be performed a survey, in accordance with the Alberta Stack Sampling Code and the Standard Reference Methods for Source Testing: Measurement of Emissions of Particulate Matter and Lead from Secondary Lead Smelters, Department of Environment Report Canada EPS 1-AP-78-3 dated June 1979, as amended from time to time, of every source in or about the plant that releases lead or lead-bearing particulates to the air.

(7) The survey shall be performed

(a) at least once in every consecutive 3-year period, and

(b) at any additional times that are required by an approval.

(8) The survey shall be for

(a) the total particulate concentration,

(b) the weight of lead in the collected particulate matter, and
(c) the corresponding unit production rate.

(9) The survey shall extend over at least one entire normal operating cycle of the operation being surveyed and, in the case of a furnace, shall include the time required for charging and tapping.

(10) The survey shall consist of at least 3 valid test runs.

Part 3
Gaseous Emissions from Vinyl Chloride and Polyvinyl Chloride Plants

Definitions
10 In this Part,

(a) “bulk polymerized resin” means a resin that is manufactured by a polymerization process in which no diluent is used;

(b) “copolymer resin” means a resin that is comprised of repeating molecular units of 2 or more compounds;

(c) “dispersion polymerized resin” means resin that is manufactured by a polymerization process in which monomer molecules react in an aqueous medium to yield an emulsion of small particles in water;

(d) “fugitive emission” means the presence of vinyl chloride in an effluent stream from any source in a polyvinyl chloride plant or a vinyl chloride plant including loading and unloading lines, pumps, compressor and agitator seals, valves, pipe joints, open vessels, storage tanks, process wastewater, laboratory fume hood vents and building ventilation, but excluding process vents, reactors and strippers;

(e) “homopolymer” means a high molecular weight compound comprised of repeating molecular units of a single compound;

(f) “monomer recovery system” means a system used in a polyvinyl chloride plant to collect and recover unreacted vinyl chloride and to control releases of vinyl chloride associated with the collection and recovery of vinyl chloride;
(g) “polymerization reactor” means a device in which vinyl chloride is partially or totally polymerized into polyvinyl chloride;

(h) “polyvinyl chloride plant” means a plant in which vinyl chloride is polymerized alone or in combination with other materials;

(i) “process vent” means a flue, stack or vent emitting an effluent stream directly or indirectly into the ambient air, whether continuously or intermittently, but does not include a building ventilation exhaust stream;

(j) “process wastewater” means water that is contaminated with vinyl chloride;

(k) “reactor” means a container in which vinyl chloride is partially or totally polymerized into polyvinyl chloride;

(l) “reactor opening loss” means the quantity of vinyl chloride that escapes from a reactor when the reactor is opened by means other than a valve;

(m) “resin stripper” means a device in which unreacted vinyl chloride is removed from slurry, resin or process wastewater;

(n) “suspension polymerized resin” means a resin that is manufactured by a polymerized process in which droplets of monomer are dispersed in water in the presence of a suspension agent;

(o) “vessel” means a mixing, weighing, blending, holding or storage container, including a pipe, tube, centrifuge, slurry strainer, pump, compressor, agitator, valve or other process equipment, that contains vinyl chloride in excess of 10% by volume, but does not include a reactor;

(p) “vinyl chloride” means vinyl chloride monomer in the liquid or vapour state;

(q) “vinyl chloride plant” means a plant where ethylene dichloride, vinyl chloride or 1,1,1 trichloroethane, or any combination of them, is manufactured.

**Maximum concentrations of vinyl chloride**

11(1) Subject to subsection (4), the concentration of vinyl chloride that may be released into the ambient air from any process vent in a vinyl chloride plant shall not exceed
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(a) 10 parts per million by volume, and

(b) 2 kilograms per day.

(2) Subject to subsection (4), the concentration of vinyl chloride that may be released into the ambient air from the following sources in a polyvinyl chloride plant shall not exceed

(a) 0.002 kilograms per 100 kilograms of polyvinyl chloride produced by the polymerization reactor since it was last opened, in the case of a reactor opening loss;

(b) 0.02 kilograms per 100 kilograms of polyvinyl chloride produced in the manufacture of homopolymer suspension polymerized resins, in the case of a release from a source downstream of the slurry stripper, or if stripping is not used, downstream of the reactor;

(c) 0.04 kilograms per 100 kilograms of polyvinyl chloride produced in the manufacture of bulk polymerized resins, in the case of a release from a source downstream of the resin stripper, or if stripping is not used, downstream of the reactor;

(d) 0.2 kilograms per 100 kilograms of polyvinyl chloride produced in the manufacture of dispersion polymerized resins or for the manufacture of copolymer resins, in the case of a release from a source downstream of the slurry stripper, or if stripping is not used, downstream of the reactor.

(3) Subject to subsection (4), the concentration of vinyl chloride in gases that may be released into the ambient air from a process vent in a polyvinyl chloride plant shall not exceed 10 parts per million by volume where the gases are emitted as a result of

(a) the operation of the monomer recovery system,

(b) the polymerization reactor or slurry or resin stripper exhausting and purging procedures,

(c) the slurry or resin stripping procedures, or

(d) the depressuring of the polymerization reactor, including depressuring procedures used as routine means of controlling operating conditions.

(4) Fugitive emissions from a vinyl chloride plant or polyvinyl chloride plant into the ambient air are permitted, but the person responsible for the plant shall ensure that the following requirements are complied with in the operation of the plant:
(a) vinyl chloride remaining in loading and unloading lines prior to opening the lines to the ambient air must be reduced to less than 0.0038 cubic metres at standard conditions;

(b) vinyl chloride remaining in vessels prior to opening the vessels to the ambient air must be reduced to less than 2% by volume or 0.0950 cubic metres, whichever is greater, at standard conditions;

(c) vinyl chloride leaks from pump, compressor and agitator seals must be reduced to a minimum

(i) by the installation of double seals, and

(ii) by maintaining the pressure between the seals above the pump, compressor or agitator or by ducting the vinyl chloride between the seals to a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 parts per million, measured on a dry and undiluted basis,

or by equally effective equipment and procedures;

(d) ball type or at least equally effective valves must be used;

(e) a rupture disc must be installed upstream of each pressure relief valve or the pressure relief valve must be connected to a control system from which the concentration of vinyl chloride in the exhaust gases does not exceed 10 parts per million by volume;

(f) pipe joints must be of the ring sealed type or a type that is equally effective;

(g) the concentration of vinyl chloride in process wastewater must be reduced to less than 10 milligrams per litre before the wastewater is exposed to the ambient air;

(h) the concentration of vinyl chloride in an effluent stream to the ambient air from building ventilation must not exceed 5 parts per million by volume;

(i) the quantity of vinyl chloride emissions from all laboratory fume hood vents must not exceed a total of 2 kilograms per day.

(5) Measurements shall be taken of the concentration or quantity of vinyl chloride released in accordance with subsections (1), (2), and (3) under normal operating conditions and by the appropriate method described Standard Reference Methods for Source Testing:
Measurement of Emissions of Vinyl Chloride from Vinyl Chloride and Polyvinyl Chloride Manufacturing, Department of the Environment Report Canada EPS-1-AP-77-1 dated June 1979, as amended from time to time, or the Alberta Stack Sampling Code.

AR 124/93 s11;191/96

Other releases prohibited

12 No person shall release or permit the release of vinyl chloride from liquid level gauges or sampling equipment to the ambient air.

Surveys

13(1) The person responsible for a vinyl chloride plant or polyvinyl chloride plant shall cause to be surveyed each effluent stream or other source in or about the plant from which vinyl chloride is released into the ambient air

(a) once within the first 30 minutes of the commencement of an effluent stream or source and once every 8 consecutive hours thereafter, with respect to effluent streams and sources referred to in section 11(1) and (3),

(b) once after each opening of the reactor, with respect to a source referred to in section 11(2)(a),

(c) once every 8 consecutive hours, or as often as the Director may require, in the case of continuous stripping operations, and at the end of each stripping cycle for intermittent or batch stripping operations, with respect to the sources specified in section 11(2)(b), (c) and (d), and

(d) as required by the Director by notice in writing or in an approval, in the case of fugitive emissions or laboratory emissions from fume hood vents.

(2) A survey under subsection (1) shall be conducted by the methods specified in section 11(5) or by another method satisfactory to the Director, and shall include but need not be limited to

(a) determination for vinyl chloride quantity or concentration, as the case may be, and

(b) determination of the corresponding operating unit production rate or plant production rate, as the case may be.

(3) A survey under subsection (1) shall be carried out at least once in each consecutive 12-month period.
Ongoing monitoring

Subject to the terms of an approval, the person responsible for a vinyl chloride or polyvinyl chloride plant shall, in a manner satisfactory to the Director, monitor or cause to be monitored the ambient air in the vicinity of the plant for the presence of vinyl chloride by means of a continuous 24-hour average vinyl chloride concentration determination.

Part 3.1
Other Activities Causing Releases

Compliance with codes and approvals

A person who, pursuant to a registration, carries on any activity referred to in Column A of the Schedule to this Regulation shall comply with the corresponding code of practice referred to in Column B of the Schedule in the carrying on of the activity.

(2) Notwithstanding subsection (1), where the Director issues an approval in respect of the activity pursuant to section 6(3) of the Activities Designation Regulation (AR 276/2003), the approval holder

(a) is not required to comply with the code of practice in the Schedule, and

(b) shall comply with the terms and conditions of the approval.

(3) Notwithstanding subsections (1) and (2), until 6 months have expired from the coming into force of this provision,

(a) the following codes of practice do not take effect:

   (i) Code of Practice for Forage Drying Facilities;

   (ii) Code of Practice for Sawmill Plants;

and

(b) a person who, pursuant to an approval deemed to be a registration under section 11(3) of the Activities Designation Regulation (AR 276/2003), shall comply with the terms and conditions of the approval.
Adoption of codes of practice

14.2 The codes of practice, as amended from time to time, that are listed in Column B of the Schedule and are published by the Department are adopted and form part of this Regulation.

Part 4
General

Other consents unaffected

15 Nothing in this Regulation affects the operation of any other law that requires that a person obtain a consent, permit, licence or other similar clearance for an activity.

Returns and reports

16(1) The Director may by notice in writing directed to the person responsible for an activity

(a) require any returns or reports respecting a release of

(i) water-carried or liquid emissions resulting from the activity, or

(ii) substances into the ambient air resulting from the activity,

(b) specify the manner and frequency of sampling, recording and reporting of the performance of any aspect of activity,

(c) specify the manner and frequency of ambient monitoring directly related to the release of substances as a result of the activity, and

(d) specify an analytical method for determining the presence of any substance that has affected, is affecting or may affect air emissions or water-carried or liquid emissions resulting from the activity.

(2) A person who receives a notice in writing under subsection (1) shall comply with it in accordance with its terms.

Offences

16.1 A person who contravenes section 5, 7, 9(5) or (6), 11(4) or (5), 12, 13, 14, 14.1 or 16(2) is guilty of an offence and liable

(a) in the case of an individual, to a fine of not more than $50 000, or
(b) in the case of a corporation, to a fine of not more than $500 000.

AR 191/96 s9

Due diligence defence
16.2 No person shall be convicted of an offence under this Regulation if that person establishes on a balance of probabilities that he took all reasonable steps to prevent its commission.

AR 191/96 s9

Transitional
17 A Certificate of Proficiency issued under the Clean Air (Maximum Levels) Regulations (Alta. Reg. 218/75) that is valid and subsisting on the coming into force of this Regulation is deemed to be a Certificate of Qualification issued under section 3 of this Regulation and expires on the date it would have expired under the Clean Air (Maximum Levels) Regulations (Alta. Reg. 218/75).

Repeal
18(1) The Clean Air (Maximum Levels) Regulations (Alta. Reg. 218/75) are repealed.

(2) The Clean Air (General) Regulations (Alta. Reg. 216/75) are repealed.

Coming into force
19 This Regulation comes into force on September 1, 1993.

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