



CHAPTER A-17.

An Act respecting Air Pollution.

SHORT TITLE.

- 1. This Act may be cited as *The Air Pollution Control Act*.

INTERPRETATION.

- 2. In this Act:

Interpreta-
tion

"air contami-
nant"

"air pollu-
tion"

"ambient
air"

"fuel-burn-
ing equip-
ment"

"incinera-
tor"

"industrial
source"

"minister"

"municipi-
pality"

- (a) "air contaminant" means a solid, liquid or gas or combination of any of them in the ambient air that contributes to air pollution;
- (b) "air pollution" means the presence in the ambient air of an air contaminant in quantities that may cause discomfort to or endanger the health, safety or welfare of persons or that may cause injury or damage to property or to plant or animal life;
- (c) "ambient air" means the atmosphere surrounding the earth but does not include the atmosphere within a structure or within any underground space;
- (d) "fuel-burning equipment" means any installation in a building or premises that burns solid, liquid or gaseous fuel for the sole purpose of space heating, generating power or processing steam, or any combination thereof;
- (e) "incinerator" means any equipment, apparatus, device or mechanism that is used for the burning of garbage, wood waste, refuse or other waste materials;
- (f) "industrial source" means any action, operation or treatment, that may be a source of an air contaminant, involving or relating to physical, chemical, industrial or manufacturing processes but does not include fuel-burning equipment or incinerators;
- (g) "minister" means the Minister of the Environment;
- (h) "municipality" means a city, town, village, rural municipality, local improvement district or the Northern Saskatchewan Administration District or The Municipal Corporation of Uranium City and District, and with respect to a local improvement district or the Northern Saskatchewan Administration District includes, where the

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context so requires, the Minister of Municipal Affairs or the Minister of Tourism and Renewable Resources respectively acting on behalf of the administration district;

- "occupant" (i) "occupant" means the person in occupation or having the charge, management or control of any premises, whether on his own account or as the agent of any person;
- "owner" (j) "owner" means the person in whose name the title to property is registered and includes the person who according to the assessment records of a municipality is assessed in respect of that property;
- "provincial officer" (k) "provincial officer" means an officer of the Department of the Environment who is designated by the minister as a provincial officer for the purposes of this Act. 1973, c. 3, s. 2.

POWERS OF LIEUTENANT GOVERNOR IN COUNCIL AND MINISTER.

Powers of Lieutenant Governor in Council 3.(1) The Lieutenant Governor in Council may make regulations prohibiting or controlling and regulating air pollution and the emission of air contaminants.

(2) Without limiting the generality of subsection (1), the Lieutenant Governor in Council may make regulations:

- (a) classifying industrial sources and prohibiting or regulating and controlling the emission of air contaminants from industrial sources or any class or classes of industrial sources;
- (b) requiring the submission to a provincial officer for examination by him of plans and specifications for the control of air pollution from an industrial source, fuel-burning equipment or incinerator and prescribing the time when such a submission is to be made;
- (c) dividing the province into districts and districts into divisions and prescribing the maximum concentration of any air contaminant that may be present in the ambient air in any district or division;
- (d) prohibiting or regulating and controlling the emission of air contaminants from fuel-burning equipment and incinerators;
- (e) prohibiting or regulating and controlling the setting, feeding or maintaining of an open fire for the disposal of any material;
- (f) prohibiting any person from operating, causing or permitting to be operated, an internal combustion engine anywhere other than in a building or premises in such a way as to cause air pollution, or controlling the operation of any such internal combustion engine;

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- (g) governing the making of grants authorized by this Act;
- (h) relating to the issuance of permits for the commencement, operation, use or continuation of any industrial source, fuel-burning equipment or incinerator operation which causes the emission of air contaminants;
- (i) relating to the cancellation, alteration or renewal of permits issued under this Act or the regulations;
- (j) relating to the terms and conditions to which permits issued under this Act or the regulations shall be subject.
- (3) Every regulation made under this section shall be published in *The Saskatchewan Gazette*.

(4) A regulation made under clause (d), (e) or (f) of subsection (2) shall not apply to any equipment, apparatus, device, mechanism or structure that contributed to the emission of an air contaminant on or before the date of the publication of the regulation in the *Gazette* until ninety days after the date of such publication.

(5) A regulation made under this section other than a regulation mentioned in subsection (4) shall not apply to any equipment, apparatus, device, mechanism or structure that contributed to the emission of an air contaminant on or before the date of the publication of the regulation in the *Gazette* until one hundred and twenty days after the date of such publication. R.S.S. 1965, c. 267, s. 3; 1973, c. 3, s. 3.

Powers of minister

4.—(1) The minister may:

- (a) engage the services of provincial officers and such consultants as the minister deems necessary for the purposes of this Act;
- (b) assist municipal officials in:
- (i) the preparation of bylaws that may be made under section 7;
- (ii) the development of programs established under those bylaws;
- (iii) the training of persons to administer those bylaws, the provisions of this Act and the regulations;
- (c) investigate or make arrangements for the investigation of air pollution problems;
- (d) recommend testing procedures for determining the amount of air contaminants;
- (e) advise persons generally with respect to any matter relating to air pollution.
- (2) Subject to the regulations made under clause (g) of subsection (2) of section 3, the minister may make grants:
- (a) to municipalities to assist them in:

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- (i) employing personnel to control air pollution;
- (ii) administering bylaws made under section 7;
- (b) to universities and other organizations for:
 - (i) research in the field of air pollution;
 - (ii) the training of persons in that field. R.S.S. 1965, c. 267, s. 4.

Power of minister to make certain orders

5.—(1) Subject to subsection (4), the minister may order the owner or occupant of any premises to prevent or lessen the emission of an air contaminant that is causing air pollution.

(2) An order made under subsection (1) shall be in writing and shall fix the period for complying with the order.

(3) The minister may, from time to time, extend the period for complying with an order made under subsection (1).

(4) No order shall be made under subsection (1):

(a) that is inconsistent with a regulation made under this Act; or

(b) that is inconsistent with a bylaw made under this Act by a municipality in which the order would have effect. R.S.S. 1965, c. 267, s. 5; 1973, c. 3, s. 4.

POWERS OF OFFICERS.

Power of certain officers to inspect, etc.

6.—(1) A provincial officer or any other person designated by the minister may inspect any building, place, matter or thing at any reasonable time and make such examinations, tests and inquiries in respect thereof as he may deem necessary or advisable for the purposes of this Act or the regulations.

(2) Every owner or occupant of premises shall furnish such information as a provincial officer or designated person may require under subsection (1).

(3) Where the owner or occupant of premises is of the opinion that any manufacturing or industrial process or procedure within his premises constitutes a trade secret and should not be disclosed he may apply to the minister to be exempted from the provisions of subsections (1) and (2), and the minister may, upon considering all the circumstances, order that subsections (1) and (2) shall not apply with respect to that manufacturing or industrial process or procedure. R.S.S. 1965, c. 267, s. 6; 1973, c. 3, s. 5.

POWERS OF MUNICIPALITIES.

Power of municipalities to make bylaws

7.—(1) A municipality may make such bylaws as it deems necessary or advisable:

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- (a) prohibiting or regulating and controlling the emission of air contaminants from fuel-burning equipment and incinerators;
- (b) prohibiting any person from setting, feeding or maintaining or causing to be set, fed or maintained, an open fire for the disposal of any material in such a way as to cause air pollution;
- (c) requiring the submission of plans and specifications for the control of air pollution from fuel-burning equipment and incinerators and prescribing the time when such submission is to be made;
- (d) providing for the administration of any bylaw made under clause (a), (b) or (c).

(2) No bylaw made under subsection (1) shall have any effect unless approved by the minister.

(3) Notice of every bylaw made under subsection (1) or a synopsis thereof shall be published in a newspaper having general circulation in the municipality.

(4) A bylaw made under subsection (1) shall not apply to any equipment, apparatus, device, mechanism or structure that contributed to the emission of an air contaminant on or before the date of the publication of the notice of the bylaw or a synopsis thereof in a newspaper pursuant to subsection (3) until ninety days after the date of such publication. R.S.S. 1965, c. 267, s. 8.

Power of municipalities to enter into agreements for joint undertakings

8. Any two or more municipalities may enter into an agreement with each other to provide for the joint administration and enforcement of their respective air pollution control bylaws and to provide for the sharing of the cost of such administration and enforcement. R.S.S. 1965, c. 267, s. 9

MISCELLANEOUS.

Appeal

9.—(1) Where a person is aggrieved by an order made under subsection (1) of section 5 the person may within thirty days from the date of the making of the order appeal to the Court of Appeal.

(2) The practice and procedure on an appeal under subsection (1) is, subject to such orders as the Court of Appeal may make in respect thereof, and as nearly as possible, the same as, the practice and procedure in an appeal from a decision of a judge of the Court of Queen's Bench in an action at law.

(3) The taking of an appeal under subsection (1) does not stay the operation of the order in respect of which the appeal is taken. 1973, c. 3, s. 8.

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Regulations
to prevail
over bylaws
in case of
conflict

10.—(1) Subject to subsection (2), where there is a conflict between a bylaw and a regulation made under this Act, the regulation shall prevail.

(2) Where, in the opinion of the minister, it is in the public interest to vary any regulations made under section 3 controlling the emission of air contaminants from fuel-burning equipment and incinerators in a municipality, he may approve a bylaw of the municipality specifically varying those regulations, in which case the bylaw shall supersede the regulations. R.S.S. 1965, c. 267, s. 13; 1973, c. 3, s. 9.

Offences and
penalties

11. Every person who contravenes this Act or a regulation, bylaw or order made under this Act is guilty of an offence and liable on summary conviction to:

- (a) in the case of an individual, a fine not exceeding \$500 and to a further fine not exceeding \$50 for each day during which the offence continues; or
- (b) in the case of a corporation, a fine not exceeding \$5,000 and to a further fine not exceeding \$500 for each day during which the offence continues. 1973, c. 3, s. 10.

The Crown
bound

12. Her Majesty is bound by this Act. R.S.S. 1965, c. 267, s. 15.