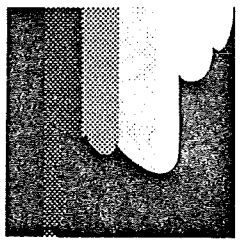

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SUBMISSION TO THE STANDING COMMITTEE ON TRANSPORT REGARDING BILL C-18, AN ACT TO PROMOTE PUBLIC SAFETY IN THE TRANSPORTATION OF DANGEROUS GOODS

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I. INTRODUCTION

> . On November 10, 1979, Canadian Pacific Train No. 54 containing a mixed trainload of volatile chemicals including chlorine and propane derailed in Mississauga, Ontario. Approximately 250,000 residents were evacuated as a result of the accident. It took officials over 34 hours to pinpoint the car which contained the deadly chlorine.
>
> . On March 10, 1980 54,000 litres of highly flammable vinyl chloride were spilled near MacGregor, Manitoba after the derailment of 31 cars of a Canadian National Rail freight. Vinyl chloride is a well known carcinogen. Railway officials have stated that approxiately 15 derailments "of varying degrees" occurred between 1975 and 1979 within an 80 kilometre radius of the MacGregor accident.[1]

These large scale accidents have raised public concerns about safety and the protection of the environment in relation to the transportation of dangerous goods. Public inquiries have been set up to look at the Mississauga and MacGregor accidents and there has been increasing pressure for comprehensive legislation in this area.

Present regulatory scheme

Presently the transportation of dangerous goods is regulated by a number of Federal and Provincial statutes. The mode of transportation is usually determinative of the statute that applies. The Railway Act provides that railway carriers may not carry dan-

gerous goods, except in conformity with the regulations made by the Canadian Transport Commission.[2] These regulations prescribe requirements for packaging, marking, labelling and other matters. They list dangerous commodities, detail specifications for shippers and carriers, outline procedures for accident reporting and authorize commission inspections and investigations.

The Atomic Energy Control Board currently has the power to regulate the transportation of prescribed radioactive substances. Shipments of these substances must comply with the requirements respecting packaging and labelling and any other requirements prescribed by any body having jurisdiction by statute over the proposed mode of transportation, or, if there is none, by the Canadian Transport Commission. The AECB may exempt any shipment of radioactive prescribed substances from CTC requirements, upon such conditions as it may specify.[3]

Marine carriers have to comply with the International Maritime Dangerous Goods Code; air carriers are governed by the International Air Transport Association Restricted Articles Regulations; and highway transporters are subject to various provincial legislation such as the Ontario Gasoline Handling Act. The legislative network is so complex that shippers and carriers have difficulty ascertaining what rules apply.

A Shell Canada official, testifying at the Mississauga Railway Accident Inquiry, stated that regulations contained in the CTC 'Red Book', are complex and "contradictory - you pays your money and you takes your choice."[4]

While CELA agrees with the need for a single legislative authority to regulate the handling and transportation of dangerous goods, we would submit that Bill C-18 can be viewed as little more than an exercise in public relations by the government to show that it is acting on a matter of urgent public concern. This Bill, which is the fourth such piece of legislation introduced in the House of Commons over the past two years to deal with the transportation of dangerous goods, in its present form would not ensure that another Mississauga or MacGregor and their aftermaths would be prevented in the future.

We will now turn to a discussion of specific clauses of Bill C-18 pointing out present deficiencies and areas which need amendment.

COMMENTARY ON BILL C-18

I. PROTECTION OF THE ENVIRONMENT

CELA would submit that the title and various clauses of Bill C-18 be amended to include the "protection of the environment". The 'environment' has had a curious legislative history in the past Bills dealing with the transportation of dangerous goods. The title of Bill C-17 (November 1978) was "an Act to promote public safety and the protection of the environment in the transportation of dangerous goods." The need to protect the environment was reflected in various clauses of the Act requiring action to be taken where there was "damage or danger to life, health, property or the environment." Bill C-25 subsequently omitted "the

protection of the Environment" in both the title and text of the Act. The only reference to the environment was in Class 9 of the Schedule attached to the Act. In Bill C-18 we find that the 'protection of the environment' is omitted from the title but put back into some of the clauses dealing with danger to life, health, property or the environment. (see 17(2), 15(1)(2)). Certain other clauses, for example, section 20(1) provide for inquiries "where a discharge has resulted in death or injury to any person, danger to the health or safety of the public or damage to property" - again neglecting the case of damage to the environment.

We would refer this committee to arguments made by Liberal M.P. Mr. Caccia, in the debate on Bill C-25, for the inclusion, in principle, of the protection of the environment. He noted that in Canada accidents involving dangerous goods could easily occur in an area where there was no death or injury to any person or property, but which could seriously damage the environment.

II. DEFINITION OF DANGEROUS GOODS

"Dangerous goods" are defined in Section 2 as "any product, substance or organism included by its nature or by the regulations in any of the classes listed in the schedule."

We would submit that the definition of dangerous goods and consequently the classes under the Schedule attached to the Act should be expanded to include what are known as 'hazardous wastes.' Certain of these types of wastes would not currently fall under the definition of 'dangerous goods' but would certainly fall under the ambit and objectives of the act - the need to ensure public

safety in the transportation of goods.

The need to regulate the handling and transportation of these hazardous wastes at the federal level has been recognized. The Task Force on Hazardous Waste Definition was established in October 1978 and recently concluded its meetings. This Task Force and the federal government generally define hazardous wastes as those discarded materials or substances in solid, semi-solid, liquid or gaseous forms which due to their nature and quantity require specialized waste management techniques respecting handling, transport, storage, treatment and disposal because they may cause or contribute to adverse acute or chronic effects on human health or the environment when not properly controlled. Such wastes may contain toxic chemicals; pesticides; acids; caustics; solvents; infectious; radioactive; ignitable or explosive substances or other materials in sufficient amount to cause death, cancer, birth defects, mutations, disease or infertility upon exposure.[5]

While the proposed definition of 'dangerous goods' in Bill C-18 and 'hazardous wastes' overlap in the areas of reactive, flammable and infectious materials, dangerous goods appear to be only a small circle in the much larger circle known as hazardous wastes.[6] We would submit that there is no substantive distinction between these types of goods and that the concept of having one legislative authority to regulate the handling and transportation of certain dangerous substances should apply to hazardous wastes. If these

wastes are omitted from Bill C-18, there will be a serious gap which will not be filled by any legislation. The same constitutional basis for legislating in regard to transportation of 'dangerous goods' would apply to the wider class of 'hazardous wastes.' This would be section 92(10)(a) of the British North America Act which provides for federal jurisdiction over 'undertakings or connections of an interprovincial nature' and the peace, order and good government clause vis-a-vis matters of public safety.

III. PENALTIES AND CIVIL REMEDIES

Bill C-18 establishes no offence for a general lack of care. A person must be in breach of a specific regulation in order to be prosecuted under this Act. (see section 6). Presently there is no duty to make any specific regulations under this Act.

general duty of care

CELA would therefore submit that there should be a general statutory duty on shippers and handlers to take all possible care in the packaging, handling, shipment and transportation of dangerous goods. There should be a substantial penalty for breach of that standard.

best available technology

There should also be a general duty imposed by the legislation on the handlers and shippers of dangerous goods to use the best available technology in their packaging and transportation.

Section 7 provides that <u>any</u> offence under the Act can be designated a "ticket offence." The usual Criminal Code procedure with regard to the laying of the information and summons will be superseded by

a more summary procedure to be established by regulations passed pursuant to this section. This provision while it has some theoretical advantages, in practice will allow for the emasculation of the standard penalties provided for breach of the Act. These penalties which are set out in section 6 provide for a $10,000.00 maximum fine upon summary conviction or for one year maximum imprisonment upon indictment. (Punishment by indictment allows the court to impose a fine without limit). The 'ticket offences' provision, section 7, provides for a maximum fine of only $1,000.00. This provision amounts to a 'licence to be dangerous.'

There is an attempt in section 11 to bring responsibility for offences under the Act onto the shoulders of directors and officers of corporations. However, the present wording is ambiguous in that the first part of the section implies that officers will be liable 'where a corporation has committed an offence under this act," while the latter part of section 11 states that officers may be liable "whether or not the corporation has been prosecuted or convicted." We would submit that section 11 should be amended to clearly provide that failure to prosecute or convict a corporation should not act as a bar to a prosecution of officials for their wrongdoing.

The only civil remedies provided under this Bill entitle the Government of Canada to recover the costs and expenses of cleanup (section 18). We would submit that this section is too narrow. Indeed the recent Mississauga incident showed that it was the municipal and provincial governments along with private businesses and

individuals which suffered most in terms of claims, clean-up and regulatory costs in regard to the incident.

Present tort law (the law of civil liability) does not clearly provide for a court to award damages for loss of business income and loss of earnings. Also, a municipality would be incapable of recovering the extra costs of policing and civil defence efforts expended during an incident such as the Mississauga train wreck.

Remedies in tort are also very expensive and time consuming to pursue and give rise to so many legal barriers to recovery that it becomes almost impossible for most people to proceed this way. The federal government has recognized this dilemna by adding compensation provisions in various statutes, for example the Fisheries Act and the Canada Shipping Act.[7] The present Bill C-18 does not provide such compensation provisions. The general public as well as provincial and municipal governments must fall back on the discredited common law actions.

We would submit that the 'Dangerous Occurrences' sections of Bill C-18 (ss 17 and 18) dealing with Reports and Remedial Measures and Recovery of Costs and Expenses should be expanded to include clauses which would provide for further rights of provincial governments, municipalities and private individuals to recover for losses which result from spills and for expenses incurred in any cleanup. Liability should not depend upon proof of fault or negligence.

There is also the need for the establishment of a compensation fund

by the government to which individuals could apply for payment in respect of losses or damages incurred as the result of a spill.

Finally we would submit that there should be a clear duty to restore the natural environment as nearly as practicable to its previous condition. This requirement could be accomplished by an amendment to s.17(2).

Currently only Ontario, in its recent amendments to the Environmental Protection Act, has comprehensive legislation embodying the above concepts and providing for various rights and duties of those involved in a 'spill' incident.[8]

We would submit that there is a need for a 'federal spills Bill' to be incorporated into any Act dealing with the transportation of dangerous goods. If such provisions are not enacted there will be different repercussions arising from spills in Ontario and spills in any other province or territory. We will be creating "spills havens." There will also be room for constitutional arguments that Part VIII-A (the Spills section) of the Ontario Environmental Protection Act does not apply to Railway accidents as railways are under federal jurisdiction and not subject to provincial environmental laws. We would submit that the federal Minister of the Environment should be responsible either solely or in conjunction with the Minister of Transport for the administration of an expanded section dealing with legal responsibilities arising out of "dangerous occurrences."

IV. PRIORITY SETTING

There should also be a clear duty on the Minister responsible for this Act to take action to formulate priority measures promoting the objectives of this Act in the form of regulations or other regulatory strategies. There should be a legislated time period within which these priority measures are taken (eg. the formulation and approval of contingency plans).

The U.S. Transportation Safety Act of 1974[9] designed to "improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce," provides an example of legislation setting out priorities for action. Section 108 of that Act provides that within 120 days after the particular Section comes into force the Secretary of Transportation

> shall issue regulations ... with respect to the transportation of radioactive materials on any passenger carrying aircraft in air commerce ... Such regulations shall prohibit any transportation of radioactive materials on any such aircraft unless the radioactive materials involved are intended for use in, or incident to, research, or medical diagnosis or treatment, so long as such materials as prepared for and during transportation do not pose an unreasonable hazard to health and safety. The Secretary shall further establish effective procedures for monitoring and enforcing the provisions of such regulations.

The Act also states that within one year of its passage, the Secretary of Transportation is to prepare and submit to the Pre-

sident and the Congress "A Comprehensive Railroad Safety Report" containing, among other things, an identification of

> alternative and more cost-effective methods for inspection and enforcement of Federal safety standards, including mechanical and electronic inspection, and contain [ing] an evaluation of problems involved in implementing such alternatives, cooperation with the railroad industry; a description of the railroad safety program which is in effect or planned in each state, including ... annual projections of each state agency's needs for personnel, equipment and activities reasonably required to carry out its state program during each fiscal year from 1976 to 1980...;
>
> a detailed analysis of (a) the number of safety inspectors needed (by industry and government respectively) to maintain an adequate and reasonable railroad safety program and record; (b) the minimum training and other qualifications needed for each such inspector; (c) the present and projected availability of such personnel in comparison to the need thereof; (d) the salary levels of such personnel in relation to salary levels for comparable positions in industry, State Governments, and the Federal Government.

The same Section (203) indicates that this report must be prepared after the Secretary of Transportation has consulted with the national associations representing railroad employee unions, railroad management, cooperating state agencies, universities, and other persons having special expertise or experience with respect to railroad safety.

CELA would submit that such priority setting provisions should be placed in Bill C-18. There should be a specific duty for

shippers and handlers to have 'approved contingency plans.' There should also be a provision for the establishment of a federal dangerous goods (including hazardous wastes) waybill or manifest system which will tag these goods from "cradle to grave". (see Appendix A attached)

V. REGULATION MAKING PROCESS

All the substantive provisions regarding the transportation of dangerous goods will take place under the regulations. Section 21 of the proposed Bill sets out the regulation making powers.

S.22 provides for the single publication of proposed regulations on the Canada Gazette with a "reasonable opportunity" to be afforded to "interested persons" to make representations to the Minister on the regulations.

We would submit that the section as it now reads is both vague and inadequate in ensuring that the public has input into the regulation making process. There are no time limits for publication and responses by interested parties. We would submit that "reasonable opportunity" is too broad a phrase and is open to a wide range of interpretations.

We would also submit that the traditional judicial interpretation of "interested persons" restricts "interest" to a special interest different in degree and in kind from the general public i.e. a pecuniary or proprietary interest. We would submit that "concerned and interested persons" would be more appropriate.

There should be mandatory circulation of proposals for regulations to provincial environment and planning agencies as well as all municipalities in Canada having a population of over 25,000. In addition there should be established a register wherein any person may have his name listed and thereafter be entitled to receive notice of proposed regulations or other measures to be taken under this Act.

We would further submit that there should be provisions for mandatory public hearings in regard to proposed regulations where a provincial government, municipality, or 10 individuals request such a hearing to be held and undertake to appear in regard to the adequacy of proposed regulations or revisions to existing regulations.

Time limits should be established for parties to submit their request for public hearings on the proposed regulations. A 'Dangerous Goods Review Board' or a committee of parliament should be set up to hear these submissions relating to regulations. There should also be a deadline for regulation promulgation after publication in order to avoid unwarranted delays.

VI. DEFENCES AND EXEMPTIONS

defences

Section 8 provides for a statutory defence to charges brought for breach of the regulations under the Act.

The defence has been widened greatly from the previous Bill C-25 and provides that "no person is guilty of an offence under subsection 6(1) if he establishes that he acted in good faith

and took all reasonable measures to ensure compliance with this Act and the regulations." Bill C-25 had provided that the person charged must also prove that the contravention was not, either in whole or in part, caused by or otherwise attributable to his acts or omissions. We would submit that the present section 8 is wide enough to drive at least three transport trucks and a number of railway cars through. The wording of section 8 appears also to be new under federal law and therefore open to almost any interpretation as to whether it is a narrower or broader defence than the defence of due diligence as enunciated in R.v. Sault Ste. Marie.[10]

We would submit that the power to recover cleanup costs under section 18 is too narrow. Presently the government can only collect if it can prove fault or negligence. As mentioned earlier, there should be absolute or at least strict liability for the recovery of cleanup costs.[11]

exceptions

Section 3(3) provides for three exceptions to the application of the Act. These are (a) exemptions provided for in the regulations (b) transportation of dangerous goods under the sole direction or control of the Minister of National Defence and (c) transportation of dangerous goods for which the Minister or a person designated by the Minister issues a permit in accordance with the regulations. It appears that this section is to be read in conjunction with a new section 27 which appears in the 'Administration' section. This latter section provides for permits to be

issued authorizing the transportation of dangerous goods "in a manner that does not comply with the Act and the regulations where the Minister or his designate is satisfied that a level of safety at least equivalent to that provided by compliance with the Act and regulations." We would submit that this section and section 3(3)(c) should be deleted. We can see no reason why the regulations can not be comprehensive in themselves.

VII. TIMETABLE FOR IMPLEMENTATION

Section 25(1) provides that the Federal cabinet may enter into agreements with the provinces with respect to modes of transportation not specified by paragraph (a) to (e) of the National Transportation Act. Section 32 provides for a period of at least one year after the Act comes into effect and possibly for such longer period "as the Minister considers reasonable" to negotiate the implementation and enforcement of the Act. Only after a minimum of one year from the commencement of negotiations is the Minister entitled to seek to have the Act enforced in any province.

We would submit that the time frame for reaching agreements with the Provinces should be shortened considerably and that a specified time period (for example, 1 year) should run from the date the Act is proclaimed and not from the date that 'negotiations are commenced."

The implications of leaving the "implementation and enforcement" of the Act to the provinces as contemplated by the Bill are not in any way addressed by the Bill or by the material published by

the Ministry of Transport. Why should a province spend money on the enforcement of transportation safety when the Federal Government has been cutting back on its inspection forces? No encouragement is given in the present Bill for the Provinces to undertake the responsibility of implementation and enforcement.

SUMMARY AND RECOMMENDATIONS

CELA would again reiterate its support for the need for a comprehensive piece of legislation which would regulate the handling and transportation of dangerous and hazardous goods. However, we do feel that the Bill, in its present form,will accomplish little more than providing for a mechanism whereby existing regulations made under other Acts would be consolidated in one place.

We therefore submit the following recommendations for amendments to the Bill:

1. Amend the title and various clauses of Bill C-18 to include "the protection of the environment."
2. Amend the definition of 'dangerous goods' and the classes under the schedule attached to the Act to include 'hazardous wastes'.
3. Establish a general duty of care on shippers and handlers to take all possible care in the packaging, handling, shipment and transportation of hazardous goods.
4. Establish a general duty on the handlers and shippers of dangerous goods to use the best available technology in their packaging and transportation.

5. Amend section 11 to clarify that officers and directors of any corporation may be liable for breaches of the Act whether or not a particular corporation is prosecuted or convicted.
6. Provide for all levels of government and private individuals to recover for losses which result from spills and expenses incurred in any cleanup.
7. Establish that liability for cleanup costs should not be dependent upon proof of fault or negligence.
8. Establish a compensation fund to which individuals could apply for payment in respect of losses or damages incurred as the result of a spill.
9. Establish a duty to restore the natural environment as nearly as practicable to its previous condition.
10. Provide for the federal Minister of the Environment to be responsible either solely or in conjunction with the Minister of Transport for the administration of an expanded section dealing with legal responsibilities arising out of "dangerous occurrences."
11. Provide a clear duty on the Minister to formulate priority measures promoting the objectives of this Act in the form of regulations. This would include provisions for the establishment of a Federally approved contingency plan and a federal waybill system.
12. Provide for adequate public input into the regulation making process. This would include mandatory circulation of proposed regulations to provincial environment and planning

agencies as well as all municipalities in Canada having a population of over 25,000.

13. Provide for public hearings where a provincial government, municipality or 10 individuals request a hearing to be held in relation to proposed regulations or changes to existing regulations.

14. Shorten the time frame for reaching agreements with the Provinces.

REFERENCE NOTES

1. "Detecters didn't show train Fault", Toronto Star. April 22, 1980.
2. Railway Act, R.S.C. 1970, c.R.-12 as amended. SS 295-296.
3. Atomic Energy Control Act, R.S.C. 1970, c.A-19 as amended S.O.R. 74/334, S.23.
4. C. Blatchford, "Shipping Rules Tricky - Shell tell crash probe," Toronto Star. May 1, 1980.
5. Task Force on Hazardous Waste Definition. Report of the Sub-Group on Criteria. Draft Working Paper as adopted by the Task Force. January 15, 1980. Environment Canada, Ottawa.
6. J.F. Castrilli. Hazardous Waste Policy and Law in Canada: A Summary Overview. Prepared for Hazardous Waste Management Division, Ottawa. March 1980.
7. Fisheries Act, R.S.C. 1970, c.F-14 as amended. Section 33(10.1) provides that licensed commercial fishermen may also receive compensation for spills that interfere with their livlihood. They would have no right to do so under the common law. Canada Shipping Act, R.S.C. 1970, c.S-9 as amended similarly protects fishermen against oil spills from ships.
8. Environmental Protection Act, S.O., c.86 as amended (see Part VIII - A (Spills)).
9. Transportation Safety Act of 1974 - Public Law 93-633 see Title 1 - Hazardous Materials Transportation Act.
10. Regina ex rel. Caswell v. Sault Ste. Marie (1978), 7 C.E.L.R. 53 (S.C.C.)
11. For an example of Absolute Liability see Environmental Protection Act, S.O., c.86 as amended (Part VIII - A)

    The common law requirement that negligence on the part of the owner must be proved is replaced by the concept of strict liability is found under part XX of the Canada Shipping Act, R.S.C. 1970, c.S-9 as amended and The Fisheries Act, R.S.C. 1970, c.F-14 as amended.

THE ENVIRONMENTAL PROTECTION ACT, 1971

O. Reg. 926/76.
Transfers of Liquid Industrial Waste.
Made - November 10th, 1976.
Filed November 18th, 1976.

REGULATION MADE UNDER THE ENVIRONMENTAL PROTECTION ACT, 1971

TRANSFERS OF LIQUID INDUSTRIAL WASTE

1.—(1) In this Regulation,

(*a*) "hauler of waste" means a person who transports liquid industrial waste;

(*b*) "liquid industrial waste" means liquid waste that is a product of,

(i) an enterprise or activity involving industrial, manufacturing or commercial processes or operations,

(ii) research or an experimental enterprise or activity, or

(iii) an enterprise or activity to which subclause i would apply if the enterprise or activity were carried on for profit,

but does not include,

(iv) waste that is a product of a sewage system subject to the provisions of Part VII of the Act or a sewage works subject to *The Ontario Water Resources Act* or waste that is removed from a holding tank to which regulations made under clause *a* or *b* of subsection 3 of section 94 of the Act apply,

(v) waste discharged by its producer at the site where the waste is produced into municipal sanitary sewage works in accordance with applicable by-laws or into a sewage system, as defined in Part VII of the Act, that is being operated in accordance with the Act,

(vi) waste disposed of at a waste disposal site as defined in Part V of the Act, operated by the producer of the waste and located on the site where the waste is produced, or

(vii) waste that is wholly used or recycled

(2) Liquid industrial waste is designated as a waste in addition to those wastes specified in clause *d* of section 28 of the Act. O. Reg. 926/76, s. 1.

2. Those facilities, equipment and operations of a producer of liquid industrial waste that are involved in the collection, handling or storage of liquid industrial waste are classified as a Class 1 waste management system. O. Reg. 926/76, s. 2.

3. Those facilities, equipment and operations of a hauler of waste that are involved in transporting liquid industrial waste are classified as a Class 2 waste management system. O. Reg. 926/76, s. 3.

4.—(1) No operator of a Class 1 waste management system shall permit liquid industrial waste to pass from his control except by transfer of the liquid industrial waste to a Class 2 waste management system for which a certificate of approval or a provisional certificate of approval has been issued.

(2) Where liquid industrial waste is transferred to a Class 2 waste management system from a Class 1 waste management system,

(*a*) the operator of the Class 2 waste management system shall provide to the operator of the Class 1 waste management system a numbered form obtained from the Ministry for the purpose, upon which form he has recorded his name and address and the registration number of the vehicle used; and

(*b*) the operator of the Class 1 waste management system shall obtain from the operator of the Class 2 waste management system the form referred to in clause *a* and shall,

(i) record on the form,

a. the name and address of the producer of the liquid industrial waste,

b. the description and amount of the liquid industrial waste being transferred, and

c. the date, time and place of the transfer,

(ii) sign the form, and

(iii) forward the completed form forthwith to the Ministry, retaining one copy thereof for a period of one year. O. Reg. 926/76, s. 4.

5.—(1) No operator of a Class 2 waste management system shall permit liquid industrial waste to pass from his control except by transfer of the liquid industrial waste,

(*a*) to a waste management system or a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued; or

(*b*) to a sewage works under *The Ontario Water Resources Act* for which an approval under that Act has been issued and with the approval of the owner of such sewage works.

(2) Where liquid industrial waste is transferred from a Class 2 waste management system,

(*a*) the operator of the Class 2 waste management system shall,

(i) on a numbered form obtained from the Ministry for the purpose, record,

a. his name and address,

b. the registration number of the vehicle used,

c. a list of the numbers of all the forms provided pursuant to clause *a* of subsection 2 of section 4 in respect of the liquid industrial waste being transferred, and

d. if any of the liquid industrial waste being transferred was received from a Class 2 waste management system, a list of the numbers of all forms with which he was provided in respect of the receipt of the liquid industrial waste being transferred, and

(ii) if the transfer is to a sewage works under *The Ontario Water Resources Act*,

a. record on the same form,

1. the location of the sewage works,

2. the description and amount of the liquid industrial waste being transferred, and

3. the date, time and place of the transfer, and

b. sign the form and forward the completed form forthwith to the Ministry, retaining one copy thereof for a period of one year, or

(iii) if the transfer is to a waste management system or waste disposal site, provide the operator thereof with the form prepared as prescribed in subclause i of clause *a*, and

(*b*) the operator of a waste management system or waste disposal site to which the liquid industrial waste is transferred shall obtain the form prepared as prescribed in subclause i of clause *a* and shall,

(i) record on the form,

a. the location and the name of the operator of the waste management system or waste disposal site,

b. the number of the certificate of approval or provisional certificate of approval for the waste management system or waste disposal site,

c. the description and amount of the liquid industrial waste being transferred,

d. the date, time and place of the transfer of the liquid industrial waste, and

e. the date and method of disposal, the method of treatment or processing, or the destination of the liquid industrial waste, whichever is applicable,

(ii) sign the form, and

(iii) forward the completed form forthwith to the Ministry, retaining one copy thereof for a period of one year. O. Reg. 926/76, s. 5.

6.—(1) A Class 1 waste management system is exempt from section 31 of the Act in respect of the collection, handling and temporary storage of liquid industrial waste at the site where it is produced.

(2) The exemption in subsection 1 does not apply where the liquid industrial waste is a product of a waste management system or waste disposal site. O. Reg. 926/76, s. 6.

7. This Regulation comes into force on the 1st day of April, 1977. O. Reg. 926/76, s. 7.

APPENDIX "A"