



Guideline for Section 10 of Ontario Regulation 22/04

Proximity to Distribution Lines Sections 10.(1) and 10.(2)

Version 4.0

Ontario Regulation 22/04

Electrical Distribution Safety

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Guideline for Proximity to Distribution Lines

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1.0 General

1.1 Purpose

The purpose of this Guideline for Proximity to Distribution Lines (the “Guideline.”) is to clarify and interpret the requirements outlined in section 10 of Ontario Regulation 22/04 Electrical Distribution Safety “Regulation 22/04”) to assist Electrical Distributors (i.e. distributors) and all persons in achieving compliance with the Regulation.

This Guideline along with the Regulation, the Electricity Act, and applicable legislation and case law form the basis on which the ESA will assess the compliance with Ontario Regulation 22/04 Electrical Distribution Safety.

A separate guideline entitled “Guidelines for Excavating in the Vicinity of Distribution Lines” provides advice for excavators and distributors on how to meet their obligation with respect to Clause 3 and 4 of Section 10 of the Regulation.

1.2 Definitions

These definitions are provided solely for the application of Ontario Regulation 22/04 and should not be used in the interpretation or application of other regulations.

- 1.2.1 “**non-permanent structures**” are considered to be intended for short-term use and are usually easier and quicker to assemble and disassemble. For example, high reach vehicles, cranes, excavation shoring, scaffolding, tents and similar.
- 1.2.2 “**permanent structures**” are considered to be designed and built to last for a long time, typically using durable materials like concrete, steel, or wood. These structures are intended for long-term use and are often more expensive and time-consuming to construct. For example, buildings, pools, signs, vegetation, flagpoles, building foundations, pipelines and similar.
- 1.2.3 “**separations**” are all minimum length requirements, including all the following terms within the CSA Standards (clearances, separations, distances, spacings).

2.0 What are the CSA Standard minimum separations?

The minimum *separations* are outlined in the CSA Standard C22.3, No. 1 Overhead Systems and CSA Standard C22.3, No. 7 Underground Systems (see Regulation 22/04 for more information). To determine what is acceptable or not in terms of *separations* it is important for distributors to have the current editions of the CSA Standards and ensure that the minimum *separations* are incorporated into their standard design.

3.0 What are other requirements for separations?

In addition to the CSA standards noted above a number of other governing codes and standards specify additional requirements that builders and property owners are required to meet.

If objects are placed closer than the CSA minimum *separations*, it is likely that the builder or property owner is not meeting other requirements such as:

- Ontario Building Code Section 3.1
- Electrical Safety Code Section 75
- Occupational Health and Safety Act (OH&SA) – O.Reg. 213/91: Construction Projects (Electrical Hazards)
- ESA Specifications/Guidelines

For instance, a sign may meet the CSA clearances; however, a worker installing, maintaining or dismantling the sign may not meet OH&SA safe limits of approach.

Regulation 22/04 can only address *separation* (i.e. CSA clearances, separations, distances or spacing) proximity issues, which are related to *permanent structures*. *Non-permanent structures* (e.g. scaffolding) are not applicable to the Regulation, but may be addressed through the Electricity Act.

4.0 How to Prevent the Occurrence of Unauthorized Installations

Objects referred to in the Regulation could be:

- buildings, poles, signs, poles, antennas, flagpoles, etc. for overhead situations; or
- poles, building foundations, gas pipelines, docks, communication cables, poles, poles, anchors, etc. for underground situations.

Prevention of situations where objects are placed too close to overhead distribution lines will minimize safety risks and the need to resolve potentially hazardous situations.

The local Planning Department may have processes in place to review applications such as (but are not limited to):

1. Newly proposed zoning amendments;
2. Official plan amendments; or
3. Site plan applications from the Applicants (e.g. developers or builders)

These applications may affect, and should be circulated to, the local service organizations such as Fire Department, School Board, Water and Sewer Departments, as well as the distributor.

The distributor should provide to the Planning Department the minimum *separations* to be followed prior to the Planning Department granting permits.

Certain cases may allow Applicants to build right up to the property line with zero set back. In this case, the Applicant shall adhere to the overhead *separations* and the underground *separations* required by the distributor. Sometimes a redesign (or a conditional building permit) may be necessary in order to comply with the minimum *separations*.

5.0 Recourse for Distributors in the event that objects are placed, or found to be, in close proximity to Distribution Lines (Equipment)

When there is a safety concern with the customer that causes a *separation* issue, distributors shall attempt to resolve the issue. If the attempt to resolve is unsuccessful, the distributor may contact ESA to escalate the issue via email at Utility.Regulations@electricalsafety.on.ca. The ESA “Main Utility Contact” with ESA shall be part of the communication requesting any escalation. ESA will assess the issue and follow the relevant ESA compliance and enforcement procedures.

If the distributor chooses to escalate a safety concern with ESA, the distributor shall provide ESA evidence of communication between the distributor and the customer. Prior to assessing if an “Order to Comply” or “Warning Letter” is justified, ESA must be convinced that the distributor has sufficiently attempted to resolve the issue.

If ESA is satisfied that the distributor sufficiently attempted to resolve the issue, but was unsuccessful, ESA shall proceed with assessing the issuance of an “Order to Comply” or “Warning Letter”.

Note: The proximity issue is within the scope of Regulation 22/04 – Section 10 and ESA would follow Regulation 22/04 compliance enforcement procedures. In the event there a “Warning Letter” or “Order” is drafted by ESA, the recipient typically would be the customer.

6.0 Exceptions (rare) to CSA Minimum Standards

The intent of Section 10.(1) and 10.(2) is not to encourage the installation of objects at less than the minimum standards. In any case, prior to authorizing a person to place an object closer to energized distribution lines (equipment) than the minimum standards, the distributor is to ensure that the object will not materially affect the safety of any person or property.

Where a distributor authorizes an object to be placed closer to an energized line (equipment) than the minimum standards, the distributor should submit a report to the ESA outlining the rationale for allowing the exception to the minimum standards and why it will not materially affect the safety of any person or property.

7.0 Recourse for Distributors in the Event of Violation to Safe Limits of Approach to a Distribution Line (Equipment)

When the distributor's representatives witness when a member of the public or an unauthorized worker, is closer than the safe limits of approach, distributors should take action (e.g. discussions with the person) and document the concern.

If the violation of the safe limits of approach persists, the distributor's representative should refer the situation to an appropriate authority such as the ESA (for a member of the public) or Ministry of Labour (for a worker), who in turn may carry out their own investigation.