

Environmental Management Newsletter

Welcome to Pollutech's Environmental Management Newsletter. The newsletter focuses on new and proposed regulations that may affect your business operations as well as provide you with news briefs on various items of environmental concern.

Proposed Federal Harmonization Strategy for Municipal Sanitary Effluent Dischargers

In March 2010, Environment Canada published the proposed Wastewater Systems Effluent Regulations, pursuant to the federal Fisheries Act, that would apply to municipal wastewater effluents. The proposed regulations fulfill a commitment under the 2009 CCME (Canadian Council of Ministers of the Environment) Canada-wide Strategy for the Management of Municipal Wastewater Effluent to harmonize effluent quality standards nationally.

The proposed regulations outline the conditions that must be met before municipal sanitary effluent containing deleterious substances may be discharged. Deleterious substances under the proposed regulation include **biochemical oxygen demanding (BOD) matter, suspended solids, total residual chlorine and un-ionized ammonia**. In addition, the effluent discharge must not be acutely lethal to rainbow trout. The upgrade of wastewater systems in Canada currently not meeting the national standards would lead directly to a reduction in the mass of pollutants being deposited to surface water.

The proposed regulation includes requirements concerning occurrence of acute toxicity (i.e., no greater than 50% rainbow trout mortality within 100% volume sample), effluent monitoring frequency, monitoring of the receiving environment, record-keeping and reporting.

Further information regarding the proposed municipal effluent regulations can be found at <http://gazette.gc.ca/rp-pr/p1/2010/2010-03-20/html/reg1-eng.html>

Health Protection Air Quality, By-Law No.2010-035, Oakville ***IN EFFECT FROM FEBRUARY 1st, 2010***

The Town of Oakville passed Health Protection Air Quality, By-Law No.2010-035 on February 1st, 2010. The by-law will immediately apply to new facilities that are major emitters of fine PM (PM_{2.5}) while transition conditions will apply to existing facilities located in Oakville.

Under the by-law, existing emitters who require Certificates of Approval for their air emissions from the Ontario government will be required to report to the Town on their emissions of fine PM and Nitrogen oxides, Ammonia, Sulphur dioxide, Volatile Organic Compounds. Emitters that do not currently require a Certificate of Approval will have up to one year to submit a report.

The facility is required to prepare the application with the application fee for the Town if discharged emissions exceed the following thresholds:

- (a) Directly emitted fine Particulate Matter, more than 300 kilograms per year;
- (b) Volatile Organic Compounds, more than 10,000 kilograms per year;
- (c) Nitrogen oxides (as NO₂ equivalent), more than 20,000 kilograms per year;
- (d) Sulphur dioxide, more than 20,000 kilograms per year; or,
- (e) Ammonia, more than 10,000 kilograms per year.

Facilities that receive approval from the Town are required to prepare annual reports that would include their average and worst-case rates of daily and annual health-risk air pollutant emissions from the facility for at least three years following approval. Existing facilities that are not major emitters would file a one-time report, unless there is a change in the level of emissions from a facility.

Facilities that fail to report or obtain an approval could be fined up to \$100,000. Subsequent offences would be subject to a penalty of up to \$10,000 a day.

Please visit: <http://www.oakville.ca/nr-10feb02.htm> and/or [Health Protection Air Quality By-law 2010-035](#)

Green-House-Gases (GHGs) Regulation, O. Reg. 452/09

IN EFFECT FROM JANUARY 1st, 2010

The new Green-House-Gases (GHGs) Regulation came in force on January 01, 2010. The new Regulation clarifies who has to report, how to collect, analyze and verify data, and when the annual submissions are due. Reporting deadlines are summarized below:

1. If the facility at which a greenhouse gas is generated starts operation on or before January 1, 2010, the first reporting period is the calendar year beginning on January 1, 2010.
2. If the facility at which a greenhouse gas is generated starts operation after January 1, 2010, the first reporting period is the calendar year in which the facility commences operation.
3. If the facility finishes operation permanently before the end of a reporting period, the end of that reporting period is deemed to be the last day on which the facility operates.

Documents and records in a paper or electronic format must be kept for a period of at least seven years after the reporting period.

For more information on this Regulation please visit the following website:

http://www.e-laws.gov.on.ca/html/source/regs/english/2009/elaws_src_regs_r09452_e.htm and/or:

<http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA3NzU2&statusId=MTYxODc1>

Environmental Reporting & Disclosure Program, By-Law No.1293-2008, Toronto

IN EFFECT FROM JANUARY 1st, 2010

The Environmental Reporting and Disclosure Program require businesses that are located in Toronto to annually report their use and release of 25 hazardous chemicals:

Reporting is phased in over a four year period:

- Phase I sector industries: food and beverage manufacturing, printing and publishing, chemical manufacturing, wood industries, power generation and waste and water facilities, are required to track their 2010 data of the chemical use and emissions. Reporting deadline - June 30, 2011.
- Phase II sector industries: chemical wholesale, waste management and remediation services, medical and diagnostic laboratories, dry cleaning and laundry services, auto body repair, and funeral services establishments are required to track their 2011 data. Reporting deadline (along with Phase I sector industry 2011 data) - June 30, 2012.
- Phase III sector industries: "Other manufacturing" are required to track their 2012 data. Reporting deadline (along with Phase I and II sector industry 2012 data) - June 30, 2013.

The public database available for search by facility, chemical or neighborhood, with health and environmental information about the substances will be available to the public by January 2012.

For more information about the Toronto By-Law No. 1293-2009 and list of substances with their thresholds please visit:

<http://www.toronto.ca/legdocs/bylaws/2008/law1293.pdf> and/or: http://www.toronto.ca/health/hphe/enviro_info.htm

(TRA) Ontario Toxics Reduction Act, (Ontario Regulation 455/09)

IN EFFECT FROM JANUARY 1st, 2010.

As of January 1st, 2010 regulated facilities in the manufacturing and minerals processing sectors are required to track, report, and prepare toxic reduction plans for the toxic substances that they use. The preparation of toxic substance reduction plans is mandatory; however implementation of the reduction plan is voluntary.

The TRA applies to facilities:

- with NAICS codes beginning with “31, 32, 33 and 212” digits,
- with a minimum of 20,000 employee hours worked in 2010,
- manufacture, process, or otherwise use any of the prescribed toxic substances in any amount that meets or exceeds the prescribed thresholds.

For toxic substances labeled as “Priority” in the TRA, a report will be due by June 1, 2011, with the toxic substance reduction plan due by December 31, 2011 for the 2010 calendar year.

The Toxics Reduction Act, 2009 can be viewed at:

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_09t19_e.htm and/or:
http://www.e-laws.gov.on.ca/html/source/regs/english/2009/elaws_src_regs_r09455_e.htm

Air Pollution - Local Air Quality, (Ontario Regulation 419/05)

NOW IN EFFECT AS OF FEBRUARY 1st, 2010.

Facilities that have a North American Industry Classification System (NAICS) Code listed in Schedule 4 below are required to use the approved advanced air dispersion model programs (**SCREEN3, ISCRIME, ASHRAE, AERMOD**) for all new Certificates of Approvals (Air & Noise). Facilities that have an existing C of A and fall under Schedule 4 below are required to update their existing Emission Summary and Dispersion Model (ESDM) Report using one of the above approved dispersion models.

Schedule 4: Target Sectors for 2010	
NAICS Code	Sector Description
2122	Metal Ore Mining
221112	Fossil-Fuel Electric Power Generation
324110	Petroleum Refineries
3251	Basic Chemical Manufacturing
3252	Resin, Synthetic Rubber, and Artificial and Synthetic Fibres and Filaments Manufacturing
3311	Iron and Steel Mills and Ferro-Alloy Manufacturing
331410	Non-Ferrous Metal (Except Aluminum) Smelting and Refining
3315	Foundries

There is potential for facilities that are currently in compliance with Regulation 346 to exceed the new standards outlined in Regulation 419 using the updated dispersion models. For this reason, the MOE has permitted a phased-in approach for all industries, based on there facility NAICS code, to evaluate compliance using the new “approved” dispersion models (i.e. AERMOD) and, if necessary, request an “Alteration of Standards” if they are unable to meet the new regulatory point of impingement limits. The following schedule outlines when a facility can evaluate compliance using the updated dispersion models and request an “Alteration of Standard” if required:

- **Schedule 5 Facilities – February 1, 2010 to October 31, 2011.**

Schedule 5: Target Sectors for 2013	
NAICS Code	Sector Description
3221	Pulp, Paper and Paperboard
324190	Other petroleum and coal product manufacturing
325	Chemical manufacturing
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing
3279	Other Non-Metallic Mineral Product Manufacturing
331	Primary Metal Manufacturing
332	Fabricated Metal Product Manufacturing
336	Transportation Equipment Manufacturing
5622	Waste Treatment and Disposal

- **All other Facilities – February 1, 2013 – October 31, 2017.**

The O. Reg. 419/05 legislation can be viewed at: http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_050419_e.htm
 and/or: <http://www.ene.gov.on.ca/envision/air/regulations/localquality.htm>

**Amendment to Ontario's Record of Site Condition (RSC), O.Reg.153/04,
 (Ontario Regulation 511/09)**

PUBLISHED ON JANUARY 16th, 2010.

The Ontario Ministry of the Environment (MOE) published under the Environmental Protection Act Ontario Regulation 511/09 to amend Ontario Regulation 153/04.

The major amendments refer to modification in the Phase I & II Environmental Site Assessment (ESA) site investigation, evaluation and reporting; a new definition of an "Owner" and a "Qualified Person under the Record of Site Conditions"; new soil, groundwater and sediment standards "Under Part XV.1 of the Environmental Protection Act"; Schedule A revisions and new mandatory requirements for Risk Assessment reports in Schedule C.

The amendments will be phased in starting July 1st, 2010 with subsequent amendments being phased in July 1st, 2011.

To read more about Ontario Regulation 511/09. Please visit:

http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_040153_e.htm

For more information on these and other environmental related topics please feel free to visit our website at: www.pollutechgroup.com or contact us directly at (905) 847-0065 or info@pollutechgroup.com and one of our staff members will be happy to assist you. For your convenience we have attached a copy of our business services page which provides a brief summary of the services we provide.