

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.

Air Pollution (O. Regulation 419/05)

Facilities that have a North American Industry Classification System (NAICS) Code outlined in Schedule 4 below are required to use the "approved" advanced air dispersion model programs for their Certificate of Approval (Air) Applications and Approvals starting February 01, 2010.

Most applications completed to date have typically used the older O. Reg. 346 Dispersion Modelling Program. Hence, all facilities with NAICS code listed in Schedule 4 must amend their existing approvals to show compliance using the new approved dispersion model (AERMOD, ISCPRIME, ASHRAE, SCREEN3).

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

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>

Sector Specific Technical Standard for Managing Air Pollution

Under Ontario Regulation 419/05 (O. Reg. 419/05) air standards - facilities are required to comply with standards appointed by the Regulation. The Ministry of the Environment (MOE) is proposing amendments to O. Reg. 419/05 to allow the Minister to have the authority to establish sector-specific technical standards. This will give flexibility to facilities that are unable to meet the standards within timelines to have an option to submit a request for a site-specific alteration to a standard. A request has to be supported with technical documentation that will be considered to approve or deny the request. If approved, facilities would have an option to register with the MOE for the sector-specific technical standard to apply. A list of registered facilities would be posted on the MOE website.

The MOE is proposing a new compliance for two Schedule 4 industry sectors: foundries and forest products industries. These industries will have the option of meeting new technical standards. The air standards set out in O. Reg. 419/05 would no longer apply to the contaminants in the technical standard for that sector, and facilities would not include those contaminants in any future Emission Summary Dispersion Modelling (ESDM) reports.

This proposal has been posted for a 90 day public review and comments starting June 10, 2009.

For more information please visit: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTA2NTE0&statusId=MTU5ODAY&&language=en>

Ontario Toxics Reduction Act, 2009 (Bill 167)

A *Toxic Reduction Act* (Bill 167) was passed on June 3, 2009, requiring industrial facilities to track and reduce their use and creation of toxic substances. The Bill requires owners and operators of facilities to prepare a toxic reduction plan for each toxic substance that is used or created in the facility, if it meets the following criteria:

- (1) the facility belongs to a class of facility/sector prescribed by the regulations,
- (2) the number of persons prescribed at the facility meets the criteria as per regulations,
- (3) a toxic substance is used or created at the facility in the amounts that meet the threshold criteria specified by the regulations,
- (4) any other criteria prescribed by the regulations.

The regulation will require facilities subject to the toxic reduction planning requirements under the act to:

- undertake toxic substances accounting for Phase 1 substances for the period of January 01, 2010 to December 31, 2010;
- provide their first report under section 10 on June 01, 2011; and
- provide a summary of their first toxic reduction plan under section 8 by December 31, 2011.

The act also includes regulation-making authority to prohibit or regulate the manufacture, sale or distribution of a toxic substance or anything that contains the substance and to require the manufacturer, seller or distributor to provide notice to the public. The Ontario government plans to establish an electronic reporting system and a web site which would enable public monitoring of the toxic substance reduction planning and reporting of facilities.

The Bill 167 can be viewed at: http://www.ontla.on.ca/bills/bills-files/39_Parliament/Session1/b167.pdf

Amendment to the TDG Act (Bill C-9)

Bill C-9 *An Act to amend the Transportation of Dangerous Goods Act, 1992*, came in effect on June 16, 2009. Bill C-9 will revise the existing act to, in part:

- reinforce the existing Emergency Response Assistance Program;
- require security training and screening of personnel working with dangerous goods;
- enable the drafting of regulations requiring that dangerous goods be tracked during transport and that incidents involving loss or theft be reported;
- enable the use of security measures and interim orders, in accordance with the *Public Safety Act* and other legislations;
- amend the definition of an importer to Canada, to clarify who is subject to the requirements of the act and its regulations for transporting dangerous goods.

The amended TDG Act remains focused on preventing incidents when dangerous goods are handled and transported.

For more information visit: http://www2.parl.gc.ca/content/hoc/Bills/402/Government/C-9/C-9_4/C-9_4.pdf

New Waste Electrical and Electronic Equipment (WEEE)

On April 01, 2009 Ontario Electronic Stewardship (OES) started with a new *Waste Electrical and Electronic Equipment (WEEE)* program that is setting up a network of collection sites where consumers and businesses can drop off unwanted electronics:

- desktop and laptop computers, mice, keyboards, disk drives, monitors, desktop printers, fax machines and televisions (Revised Phase 1&2 of the Program).

Other electronics such as cell phones, display devices, audio and video equipment and cameras will be added in later phases of the program upcoming on April 01, 2010.

Please visit: <http://www.ontarioelectronicstewardship.ca/> to read more about Phase 1 & 2 WEEE Plan and Program.

Management of Substances:

A substance is defined to be **toxic** if it may be entering the environment at a level that may harm human health or the environment. Once information about certain substance is collected and assessed, a toxic substance can be placed on the **Toxic Substances List (TSL)** which is a permanent list contained in Schedule 1 of the Canadian Environmental Protection Act (CEPA).

The following substances are added to the Toxic Substance List (Schedule 1) CEPA, 1999:

- | | | |
|--|------------------------------------|--|
| - Phenol, 4,4'-(1-methylethylidene)bis-
(bisphenol A) | - C.I. Pigment Yellow 34 | - 2-Naphthalenol, 1-[(4-methyl-2-nitrophenyl)azo]- |
| - Thiourea | - C.I. Pigment Red 104 | - Ethanol, 2-methoxy-, acetate |
| - 1,3-butadiene 2-Methyl- | - Cyclopentasiloxane, decamethyl - | - Ethanol, 2-(2-methoxyethoxy) |
| - Oxirane, (chloromethyl)- | - Cyclopentasiloxane, octamethyl - | |
| - Phenol, 2,4,6-tris(1,1-dimethylethyl)- | - 1-Propanol, 2-methoxy- | |

Notices in Canada Gazette May 30:

Two BATCH 6 substances are recommended to be added to Toxic Substance List under CEPA:

- CAS No. 100-44-7, Benzene, (chloromethyl)-, (aka benzyl chloride)
- CAS No. 68515-42-4, 1,2-Benzenedicarboxylic acid, di-C 7-11 -branched and linear alkyl esters (aka DHNUP).

For more information please visit: http://www.ec.gc.ca/substances/ese/eng/challenge/batch6/batch6_100-44-7_en.pdf
and http://www.ec.gc.ca/substances/ese/eng/challenge/batch6/batch6_68515-42-4_en.pdf

Recent Revisions to the Domestic Substances List and Non-Domestic Substances List

The Domestic Substances List covers approximately 23,000 substances used, imported or manufactured in Canada for commercial purposes between January 1, 1984, and December 31, 1986. Substances not listed on the DSL are considered new and must be reported prior to any importation or manufacture to be assessed to determine whether or not they are toxic or could become toxic to the environment or human health. The *Domestic Substances List (DSL)* has been amended for:

- additional eight new substances added on the Part 1; eight new substances added to Part 3; and one substance and the significant new activity added to the Part 4 of the DSL (*Canada Gazette Part II, May 27, 2009*)
- deletes two substances from Part 1 and added two substances and the significant new activity to Part 2 of DSL (*Canada Gazette Part II, May 27, 2009*)

For more information about *Domestic Substances List (DSL)* and *Non-Domestic Substances List (NDSL)* please visit: http://www.ec.gc.ca/CEPARRegistry/subs_list/

Notice with respect to alternative substances to phosphorus compounds in household laundry detergents, household dish-washing compounds and household cleaners

The notice applies to any person who manufactured and/or imported a total combined quantity of greater than 10,000 kg, for any given calendar year since January 1, 2004, of a household laundry detergent and/or of a household dish-washing compound and/or of a household cleaner (other than laundry detergents, dish-washing compounds, metal cleaners or degreasing compounds) that exceeded a phosphorus compound concentration of 0.5% by weight, expressed as elemental phosphorus, the person shall provide:

- product type, quantity, if the product was manufactured or imported, if an alternative substance to phosphorus compound is being used or considered to be used, CAS number for the alternative substance, actual or estimate concentration.

The information must be provided no later than August 25, 2009 to the *Ministry of the Environment, DSL Surveys Co-ordinator, Chemicals Management Plan, Gatineau, Quebec, K1A 0H3.*

For more information visit: <http://www.gazette.gc.ca/rp-pr/p1/2009/2009-04-25/pdf/g1-14317.pdf>

Greenhouse Gas (GHG) Cap-and-Trade System

On May 27, 2009, Ontario introduced *Bill 185* – legislation that amends the *Environmental Protection Act (EPA)* helping in implementation of a provincial GHG cap and trade system. The Bill reenacts section 176.1 of the *EPA*, which authorizes the making of regulations relating to emissions trading mechanism.

Emission trading mechanism is based on the program where companies have to reduce their emissions below the levels required by regulation and then they can sell those extra quantities to companies that still need to make reductions to meet compliance.

A Cap is presenting the total amount of emissions that can be released to the atmosphere. Basically, the total emissions allowed under the cap are divided into units called “allowances,” with each allowance equal to 1 tonne. Each emitter is allocated a specific number of allowances and must monitor (or estimate using approved methodologies) its actual emissions in the compliance period. At the end of the compliance period, the capped emitter must report its total annual emissions to the regulator and submit a number of allowances equal to its actual emissions. If the emitter’s actual emissions:

- are equal to the number of allowances that were allocated, the capped emitter has achieved compliance for that period.
- are greater than the number of allowances that were allocated, the capped emitter must purchase allowances from another capped emitter, or from an offset credit provider or face penalties imposed by the regulator.
- are less than the number of allowances that were allocated, the capped emitter has an excess number of allowances that it can sell to an over-emitting capped emitter, or it can bank and use them to meet its own emissions reduction requirements in future compliance periods.

During emissions trading, the allowances obtain a monetary value through market activity and can be bought and sold as a commodity. The purchase and sale of allowances among capped emitters is the essence of emissions trading.

Ontario’s emission trading system is designed to be compatible with other trading systems such as the Western Climate Initiative (WCI) or other North American and international systems. The Ontario Cap-and-Trade system may be implemented as early as 2010.

For detailed information please visit: <http://www.ene.gov.on.ca/en/air/climatechange/capAndTrade.php>

WDO recommending EPR system for IC&I packaging wastes

The *Waste Diversion Ontario (WDO)* recently submitted to the MOE and published a report regarding ways in which printed paper and packaging wastes generated by the industrial, commercial, and institutional (IC&I) sector could be managed under a system of full *Extended Producer Responsibility (EPR)*.

The EPR is an environmental policy approach in which a producer's responsibility for a product is extended to the post-consumer stage of a product's life cycle.

There are two key features of the EPR policy:

- (1) changing of responsibility away from municipalities to the producer, and
- (2) providing motivation to producers to take environmental considerations into the design of the product.

To access the report please visit:

<http://wdo.ca/files/domain4116/Final%20Consultation%20Report%20with%20Appendices%20April%207%202009.pdf>

For more information visit WDO website: <http://www.wdo.ca/>

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 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.