

# Ontario's Local Air Quality Regulation (O. Reg. 419/05)

Ontario protects air quality through a comprehensive air management framework that includes regulations, targeted programs and partnerships with other jurisdictions to address sources of air pollution. This framework addresses emissions from the electricity sector (including coal-fired generation stations), vehicles, cross-border sources, as well as commercial and industrial facilities.

Ontario's local air quality regulation (O. Reg. 419/05: Air Pollution – Local Air Quality) works within the province's air management framework by regulating air contaminants released into communities by various sources, including local industrial and commercial facilities. The regulation aims to limit exposure to substances released into air that can affect human health and the environment, while allowing industry to operate responsibly under a set of rules that are publicly transparent.

The regulation includes three compliance approaches for industry to demonstrate environmental performance and make improvements when required. Industry can:

- meet the general air standard
- request and meet a site-specific standard or
- register and meet the requirements under a sector-based technical standard (if available).

All three approaches are allowable under the regulation.

Provincial air standards are used to assess a facility's individual contribution of a contaminant to air. They are set based on science and may not be achievable by a facility or a sector due to unique technical or economic limitations. In these cases, industries or sectors look to technology and best practices to improve their environmental performance and comply with the regulation.

**The regulation is based on five principles:**

- **Protection**
- **Science and Technology**
- **Continuous Improvement**
- **Transparency**
- **Flexibility**

## Protection

Ontario's local air quality regulation works within the province's air management framework by regulating air contaminants released by industrial and commercial facilities.

The regulation, along with the Environmental Protection Act, provides Ministry of the Environment staff with a range of tools that can be used to ensure facilities are operating responsibly and meeting their regulatory obligations.

The ministry works with industry to ensure that facilities are doing their best to manage air emissions and that industry applies the best available technology or best practices when they need to reduce emissions.

## Science and Technology

Ontario uses science and technology as the foundation for building environmental policy under the regulation.

Ontario develops air standards by reviewing scientific information about the effects of contaminants on health and the environment, as well as approaches taken in setting air quality criteria by leading organizations such as the United States Environmental Protection Agency, World Health Organization, Health Canada, and various European agencies.

Ontario's general air standards are set based solely on science and therefore may not be achievable by a facility or a sector due to unique technical or economic limitations. Instead of making the air standard less stringent, the regulation allows facilities or sectors to exceed the air standard as long as they are working to reduce their air emissions as much as possible with technology-based solutions and best practices.

The Ministry of the Environment closely oversees their progress using a framework for managing risk that was developed in cooperation with public health units in Ontario and other stakeholders.

## Continuous Improvement

Most facilities operate under the general air standards compliance approach. Some facilities or sectors may not be able to meet an air standard because of technical or economic limitations. Some facilities may never be able to meet the air standard. In these cases, industries or sectors need to reduce specific contaminants in their air emissions as much as possible by finding technology-based solutions. This is achieved by the site-specific and technical standards compliance approaches.

Science and technology continue to evolve with time. Ontario's local air quality

regulation recognizes that significant investments may be needed to keep pace with these new or updated requirements.

The site-specific standard and technical standards compliance approaches allow facilities the time needed to develop and implement an action plan and to work towards improving their environmental performance when necessary. Site-specific standards are periodically reviewed, and technical standards may also be updated based on the availability of new technologies or updated science on a contaminant that suggests more controls are needed.

Emissions are reduced when industrial and commercial facilities invest in new technology solutions and implement best practices.

Although facilities operating under a site-specific standard or technical standard may not meet the general air standard, the focus is on reducing risks to local communities by managing the emissions that contribute most to local exposures.

## Transparency

Transparency and public consultation are key requirements built into Ontario's local air quality regulation to ensure communities are informed about the actions facilities are taking to achieve compliance.

The regulatory framework takes into consideration the concerns of the public, businesses, public health and environmental non-government organizations and First Nations and Métis communities.

Through public meetings, consultations and the Environmental Registry, communities are informed about which compliance approach a facility is using and given the opportunity to provide input.

Ontario will continue to consult on how we propose to manage the release of contaminants to air, including decisions made about specific facilities and proposed new requirements for the regulation.

Our goal is to protect the environment and to allow industry to operate both competitively and responsibly under a set of rules that are publicly transparent.

## Flexibility

There are three acceptable compliance approaches that facilities can take to meet the provincial requirements for each contaminant emitted. Each approach has potentially different outcomes for the community but each is structured to demonstrate environmental performance or improve performance, as needed, over time.

The regulation allows industries or sectors to exceed the air standards so long as they reduce specific contaminants in their air emissions as much as possible by implementing technology-based solutions and best practices.

The approach taken by the United States has similar elements but relies more heavily on prescribed technology requirements for all regulated facilities. Ontario's approach allows us to focus on those facilities that need to take action, rather than prescribing technology requirements for all regulated facilities.

**1. Meet a general air standard by the date specified in the regulation.**

Ontario develops air standards by reviewing scientific information about the effects of contaminants on health and the environment.

A facility that meets Ontario's air standards by the specified phase-in date is in compliance with the regulation. No additional technology or action is needed.

For more information on Ontario's Air Standards, please refer to Fact sheet: Air Standards Compliance Approach.

**2. Request and meet a site-specific standard for an individual facility.**

When a facility can not meet an air standard, it may be eligible to request a site-specific standard. Facilities eligible to request a site-specific standard are those facing technical or economic challenges in meeting a provincial air standard.

A site-specific standard is an approved air concentration based on technology considerations.

It is approved by a director of the Ministry of the Environment for an individual facility.

This approach focuses on actions to reduce emissions to air as much as possible considering the technology that is available and best operational practices. Economic factors may also be considered.

A facility that meets its site-specific standard is in compliance with the regulation.

Site-specific standards can be approved for a period of five years to 10 years, upon which a facility may make a subsequent request.

For more information on site-specific standards, please refer to Fact Sheet: Site-Specific Standards.

### 3. Register and meet the requirements under a sector-based technical standard, if available.

Sometimes, two or more facilities in a sector may not be able to meet an air standard due to technical or economic issues. In this case, the regulation allows for sector-based technical standards to be developed.

Sector-based technical standards set out technical and operational requirements for major sources of air emissions identified in a sector.

A technical standard can be an **industry standard** applied to multiple facilities within one sector, or an **equipment standard** that addresses a source of contaminant in one or more industry sectors.

A facility that meets its obligations under a technical standard is in compliance with the regulation.

Technical standards do not expire, but can be updated based on the availability of newer technologies, updated science on a contaminant that suggests more controls are needed, or at the request of industry or community stakeholders.

For more information on technical standards, please refer to Fact Sheet: Technical Standards.

### Where can I get more information?

For further information about [Ontario's Local Air Quality Regulation](#), please visit the Ministry of the Environment's web site at [www.ontario.ca/ministry-environment](http://www.ontario.ca/ministry-environment) or contact:

Public Information Centre  
Ministry of the Environment  
Tel: (416) 325-4000 or 1-800-565-4923  
TTY Line (for persons who are deaf or hard of hearing):  
416-326-9236 or 1-800-515-2759  
Email: [picemail.moe@ontario.ca](mailto:picemail.moe@ontario.ca)

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