



Introduction to Ontario's Local Air Quality Regulation

[O. Reg. 419/05: Air Pollution – Local Air Quality]

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Overview

- Regulatory Framework for Air Issues
- Ontario's Local Air Quality Regulation
- Compliance Approaches for Industry
- How to Stay Informed

Objectives of Local Air Quality Regulation

- Ontario's local air quality regulation (O. Reg. 419/05: Air Pollution – Local Air Quality) works within the province's air management framework to protect local communities from the effects of air pollution by regulating air contaminants released into communities by various sources, including 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.
- Under the regulation, there are three allowable compliance approaches that facilities can take to meet the provincial requirements for each contaminant emitted.
- Public transparency is an important element of the regulation. This is achieved through public meetings as well as through consultations through the Environmental Registry.

Regulating Air Emissions in Ontario

- Ontario's air management framework addresses emissions from numerous sources, including the electricity generation, vehicles, and commercial and industrial facilities.
- Ontario works with the federal and international governments to tackle regional and global issues affecting air quality, including smog causing pollutants (regional issues) and greenhouse gases (global issues).
- Ontario is the primary regulator for local air issues.
- The province is reducing regulatory burdens and is increasing transparency and predictability for businesses:
 - Any changes to the regulations come into effect only twice a year – January 1st or July 1st. This helps businesses to prepare for pending regulatory requirements.
 - Posting proposed regulations for comment on the Environmental Registry for a minimum of 45 days.
 - The regulation allows emitters three ways to comply.

Local Air Quality Regulation Compliance Approaches

There are **three** compliance approaches for industrial facilities:

1 Demonstrate **compliance with the air standards** by the phase-in period.

Assessed using approved air dispersion models or through modelling and monitoring.

OR

2 Request and meet a **site-specific standard**.

Available to eligible facilities affected by new or existing requirements. Assessed using approved air dispersion models or through modelling and monitoring.

OR

3 Register and meet the requirements under a sector-specific or equipment-specific **technical standard** for specified contaminants.

Available if the Ministry of the Environment has developed a technical standard that applies to the sector and those contaminants.

Air Standards Compliance Approach

- Air standards are regulatory tools used to assess the contribution of contaminants to air from a facility.
- Compliance with an air standard can be assessed using models or a combination of modelling and monitoring.
- New requirements are generally phased-in to give industry reasonable time to plan and implement. The majority of facilities operate under this compliance approach. Some facilities are also pursuing the other two compliance approaches.
- Key timelines for this approach:

Model Phase-In by Sector

Schedule 4 sectors: 2010*
Schedule 5 sectors: 2013*
All other Sectors: 2020
(*See appendix for list of sectors)

Phase-in of new or updated Air Standards

2010: 33 air standards
2013: 18 air standards
2016: 9 air standards

Site-Specific Standard Compliance Approach

- A site-specific standard is a concentration-based standard approved by a Director of the Ministry of the Environment for an individual facility. This compliance approach focuses on actions, by an individual facility, 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.
- Each new request involves industry informing local communities by hosting a public meeting.
- Requests must include an action plan with dates on how exposures will be reduced as much as possible. Requests can be approved for five to 10 years, after which a facility may re-apply.

Key Dates

- Facilities affected by new requirements must submit their request 15 months before the phase-in date.
- Facilities which are ordered or issued a notice under section 20 of the regulation have up to 3 years to submit a request.
- Alternatively, the ministry may issue an order under the Environmental Protection Act specifying a date to make the request.

Technical Standard Compliance Approach

- A technical standard is used to manage air emissions for multiple facilities within one or more sectors.
- This approach can include technology, operation, monitoring and reporting requirements.
- Once developed, facilities would apply to register under this compliance approach – this would involve a posting on the Environmental Registry and may involve a public meeting.
- Technical standards do not expire but may be updated based on the availability of newer technologies or new science on a contaminant that suggests more controls are needed. Industry or community stakeholders may also request a review of a technical standard. A facility that meets its obligations under a technical standard is in compliance with the regulation.
- There are two types of technical standards:

Industry Standards

Address all sources of specified contaminants from a specific sector.

Equipment Standards

Address one source of contaminant(s) but may apply to one or multiple sectors.

How to Stay Informed

- More information is available on the Ministry of the Environment website:
<https://www.ontario.ca/environment-and-energy/rules-air-quality-and-pollution>
- New policy proposals, requests for site-specific standards or registrations to technical standards proposals can also be found on the Environmental Registry:
<http://www.ebr.gov.on.ca>
- Community or public consultation can occur at key milestones throughout the process.

Appendix 1 – Key Phase-In Dates

SECTORS AFFECTED BY MODELS FEBRUARY 1, 2010 (SCHEDULE 4)	
North American Industry Classification System (NAICS)* Code and Description	
2122	Metal Ore Mining
221112	Fossil Fuel Electric Power Generation ¹
324110	Petroleum Refineries
3251	Basic Chemical Manufacturing
3252	Resin, Synthetic Rubber, and Artificial and Synthetic Fibres and Filaments Manufacturing
3311	Iron and Steel Mills
331410	Ferro-Alloy Manufacturing Non-Ferrous Metal (except Aluminum) Smelting and Refining

* NAICS is an industry classification system designed to provide common definitions of the industrial structure in North America.

11 ¹ In accordance with the regulation, certain industrial operations are excluded from the class identified by this NAICS code. Please refer to the [regulation](#) for specific exemptions.

Appendix 1 – Key Phase-In Dates (cont'd)

SECTORS AFFECTED BY MODELS FEBRUARY 1, 2013 (SCHEDULE 5)	
North American Industry Classification System (NAICS) Code and Description	
3221	Pulp, Paper and Paperboard Mills
324190	Other Petroleum and Coal Products Manufacturing
325	Chemical Manufacturing
326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing
3279	Other Non-Metallic Mineral Product Manufacturing
331	Primary Metal Manufacturing
332810	Coating, Engraving, Heat Treating and Allied Activities
332999	All Other Miscellaneous Fabricated Product Manufacturing
336	Transportation Equipment Manufacturing
5622	Waste Treatment and Disposal ¹

12 ¹ In accordance with the regulation, certain industrial operations are excluded from the class identified by this NAICS code. Please refer to the [regulation](#) for specific exemptions.