



Air Emissions Environmental Activity and Sector Registry
Regulation Overview
February 2017

Ministry of the Environment and Climate Change (MOECC)
Modernization of Approvals Branch

Purpose

- Provide an overview of the new Air Emissions Environmental Activity and Sector Registry (EASR) Regulation
- Update on recent amendments to O. Reg 524/98 (exemptions under s.9 of the EPA)
- Questions?

Background

- Through the government's 2015 Fall Economic Statement, the ministry committed to improving the ECA process by:
 - Reducing, for the fall of 2017, the amount of ministry time taken to review air and noise ECA applications by at least 50 per cent.
 - Implementing a one-year service standard for higher-risk ECA requests received after 2017.
- In support of this commitment and in support of the ministry's ongoing efforts to implement a risk-based approach to environmental approvals, an assessment was undertaken to determine the feasibility of developing a new Environmental Activity and Sector Registry (EASR) Regulation for facilities with air emissions that are not considered high risk and/or complex.
- Consultation on the proposal via the Environmental and Regulatory registries and targeted stakeholder consultations:
 - Technical Discussion Paper (posted June 30 –August 29 2016)
 - Draft Regulation (posted September 26 – October 26 2016)
- The final regulation, [O. Reg. 1/17: Registrations Under Part II.2 of the Act –Activities Requiring Assessment of Air Emissions](#), came into force on January 31st, 2017.

General EASR Overview

- The EASR is an on-line self-registration system.
- Persons engaging in prescribed activities (in this case certain activities with air emissions) must register in the Environmental Activity and Sector Registry.
- Persons must follow specific requirements contained in each EASR regulation in order to maintain compliance.
- Key Features of the Registry include:
 - a one-time registration fee; and
 - an online searchable database of businesses that have registered their activities.

Existing EASR Regulations and O.Reg. 524/98 Amendments

- Activities currently prescribed for the EASR include:
 - automotive refinishing facilities
 - commercial printing facilities
 - non-hazardous waste transportation systems
 - small ground-mounted solar facilities
 - facilities processing end-of-life vehicles
 - specific construction-related water-taking activities
 - activities with air emissions
- As a result of the amendments made to O.Reg. 524/98 on February 3, 2017, the heating systems and standby power systems EASR regulation (O. Reg. 346/12) was revoked.
- The recent amendments exempts the following activities/equipment from requiring section 9 approval if they meet certain operating requirements:
 - Equipment used at public and private schools
 - Heating, ventilation, and air conditioning systems (HVAC)
 - Standby power systems
 - Wood fuel burning equipment (rated at 50kW or less).

EASR Publication

- The ministry has created a document titled: “Environmental Activity and Sector Registry – Limits and Other Requirements”, which is incorporated into the regulation as the “EASR Publication”.
- This document contains limits, intensity rates, operational parameters and other requirements, that facilities must follow if they are engaging in an activity prescribed by the Air Emissions EASR Regulation.
- These requirements were derived from existing ministry policies and guidelines (e.g. A-series guidelines).
- The EASR Publication includes chapters on limits and other requirements for:
 1. in-stack limits for combustion equipment;
 2. electricity generation engines used in off-grid and remote facilities/communities where limits do not apply;
 3. noise;
 4. odour; and,
 5. small wood-fired combustors.

Air Emissions EASR Regulation - Eligibility

- To register prescribed activities with Air Emissions in EASR, a person must confirm the facility does not have a primary NAICS code listed in the following Schedule to the regulation

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| 1. 2122 (Metal ore mining). | 14. 32731 (Cement manufacturing). |
| 2. 2123 (Non-metallic mineral mining and quarrying). | 15. 32732 (Ready-mix concrete manufacturing). |
| 3. 22132 (Sewage treatment facilities). | 16. 32741 (Lime manufacturing). |
| 4. 31122 (Starch and vegetable fat and oil manufacturing). | 17. 3279 (Other non-metallic mineral product manufacturing). |
| 5. 31161 (Animal slaughtering and processing). | 18. 331 (Primary metal manufacturing). |
| 6. 321111 (Sawmills (except shingle and shake mills)). | 19. 3321 (Forging and stamping). |
| 7. 3221 (Pulp, paper and paperboard mills). | 20. 33281 (Coating, engraving, cold and heat treating and allied activities). |
| 8. 32411 (Petroleum refineries). | 21. 332999 (All other miscellaneous fabricated metal product manufacturing). |
| 9. 32412 (Asphalt paving, roofing and saturated materials manufacturing). | 22. 336 (Transportation equipment manufacturing). |
| 10. 32419 (Other petroleum and coal product manufacturing). | 23. 56211 (Waste collection). |
| 11. 325 (Chemical manufacturing). | 24. 5622 (Waste treatment and disposal). |
| 12. 32615 (Urethane and other foam product (except polystyrene) manufacturing). | 25. 5629 (Remediation and other waste management services). |
| 13. 3262 (Rubber product manufacturing). | 26. 81222 (Cemeteries and crematoria). |

Air Emissions EASR Regulation - Eligibility

- **To register prescribed activities with Air Emissions in EASR, a person must also confirm the following:**
 - The facility does not have a primary NAICS that begins with 3212 (Veneer, plywood and engineered wood product manufacturing) except for 321211 (Hardwood veneer and plywood mills).
 - All requirements under the Niagara Escarpment Planning and Development Act and the Environmental Assessment Act have been met prior to registering (if applicable).
 - The activity is not a renewable energy project.
 - None of the following activities take place at the facility:
 - the land disposal of waste;
 - a landfilling site that is no longer permitted to accept waste;
 - the processing of waste via thermal treatment;
 - the use of a wood-fired combustor over 3MW;
 - certain plating processes (e.g. chrome plating)
 - electrolytic stripping processes;

Air Emissions EASR Regulation - Eligibility

- processing of metals outdoors (e.g. plasma cutting), other than for routine maintenance purposes;
 - the operation of an alternative low-carbon fuel site;
 - the operation of an end of life vehicle waste disposal site;
 - fossil fuel power generation equal to or greater than 25 MW;
 - the operation of a combustion source that uses, and/or are derived from, certain fuel types (e.g. biogas, biofuel); or,
 - the use of a combustion turbine (including microturbines).
- The facility has not:
 - been issued a site specific standard; or
 - registered or been previously registered for a technical standard (under O.Reg.419/05).
 - The facility is not located on a property that has been deemed a single property under O. Reg. 419/05.
 - The activity is not a mobile activity that is intended to be moved from one site to another (e.g. concrete ready mix, aggregate crushing) (**note**: other activities at the facility may still be eligible)

Air Emissions EASR Regulation

Activities prescribed under more than one EASR Regulation:

- If all of the activities that may discharge air contaminants at the facility are prescribed under one other EASR Regulation, that EASR regulation applies (e.g. automotive refinishing or printing).
- If activities that may discharge air contaminants at the facility are prescribed under one other EASR Regulation, and all other activities that may discharge air contaminants at the facility are exempt from requiring approval under s.9 of the EPA, that EASR regulation applies (e.g. automotive refinishing or printing).
- If a facility has activities that are prescribed under the Air Emissions EASR Regulation and another EASR Regulation, all of the activities should be registered under the Air Emissions EASR (e.g. automotive refinishing with additional air discharges from other activities).

Air Emissions EASR Regulation

Activity Requirements:

- Prior to registration, a person engaging in a prescribed activity must have the following prepared:
 - EASR ESDM report and report supplement (see Appendix A and B);
 - noise report (see Appendix C); and
 - an odour screening report.
 - if applicable:
 - combustion equipment statement(s);
 - best management practices plan for fugitive dust (see Appendix F);
 - best management practices plan for odour (see Appendix E); or,
 - an odour control report (see Appendix E).
- These reports/plans/statements, other than the odour screening report, must be signed and sealed by a licensed engineering practitioner (LEP).

Activity Requirements - Air

Air Contaminants Activity Requirements Include:

- An EASR Emission Summary and Dispersion Modelling (ESDM) report must be prepared in accordance with sections 9 to 17 and section 26 of O. Reg. 419/05 and be accompanied by an EASR ESDM report supplement.
- If, as part of the ESDM Report, Schedule 3 standards have been applied in advance of the date required (i.e. 2020), the EASR ESDM report supplement must contain a statement by the LEP indicating this.
- The LEP must include a description of the operational parameters assumed in preparing the report, and the operating and maintenance procedures required to ensure the facility operates within those parameters in the ESDM report supplement.
- If applicable, a statement must be included verifying that specified boilers, heaters, electricity generation engines, and small wood fired combustors at the facility meet the requirements in Chapter 1 of the EASR Publication.
- The Emission Summary Table will be required to be submitted electronically with the registration.

Activity Requirements - Air

- If fugitive dust is indicated in the ESDM report, a best management practices plan (BMPP) for fugitive dust control must be completed.
- The Director may also require a BMPP for fugitive dust control be prepared and submitted to the ministry.
- In addition, The Director may require that results of in-stack testing for pieces of combustion equipment be submitted to the ministry.

Update on Contaminant Standards, Guidelines and Screening Values:

- The ministry has recently consolidated all benchmarks for contaminants into one publicly available document called the Air Contaminants Benchmarks (ACB) List which includes standards, guideline values and screening levels.
- The Air Contaminants Benchmark List (ACB List) is available on the ministry website.

Activity Requirements - Noise

Noise Emissions Activity Requirements Include:

- A noise report must be prepared. There are four possible noise assessment methods that may be used:
 1. confirming that the distance between the facility and property boundary of the closest point of noise reception is equal to or greater than 1000 m;
 2. using the Primary Noise Screening Method;
 3. using the Secondary Noise Screening Method; or
 4. performing an Acoustic Assessment.
- Chapter 3 of the EASR Publication establishes applicable sound level limits for affected points of noise reception.
- A Noise Abatement Action Plan (NAAP) may be included in the noise report if the facility commenced operation before the Regulation came into force and upon initial registration the noise emissions exceed the applicable sound level limits set out in Chapter 3 of the EASR Publication (see appendix E).

Activity Requirements - Noise

- If an acoustic assessment was prepared, the acoustic summary table will be required to be submitted electronically with the registration.
- The Director may require that an acoustic audit report be prepared and submitted to the ministry if:
 - an acoustic assessment or NAAP was prepared; or
 - the Director has reasonable grounds to believe that the discharge of sound from the facility may cause an adverse effect or exceed the applicable sound level limits.
- The primary and secondary noise screening forms are available on the ministry's website.

Activity Requirements - Odour

Odour Emissions Activity Requirements Include:

- An odour screening report must be completed.
- Chapter 4 of the EASR Publication contains specific circumstances to determine if a Best Management Practices Plan (BMPP) for odour and/or odour control report must be prepared (e.g. specific NAICS codes and processes, along with setback distances) .
- Additional guidance for BMPPs and example odour control reports is being developed for use with registration.
- The Director may require that a BMPP for odour be prepared and submitted to the ministry if:
 - A BMPP for odour was not otherwise required or the BMPP for odour did not include the source of the odour; and
 - the Director has reasonable grounds to believe that the discharge may cause an adverse effect.

Activity Requirements – Modifications and Updates

- Prior to making any modifications to the facility, the EASR ESDM report and report supplement, noise report, and odour screening report must be updated to reflect the proposed modification.
 - However, if the LEP is of the opinion that the information in the EASR ESDM report/report supplement and noise report will remain accurate they can provide an addendum to the reports.
 - Each addendum must be dated and signed by the LEP.
- A new EASR ESDM report/report supplement, noise report and odour screening report must be prepared at least once every 10 years.
- The BMPP for odour, odour control report and BMPP for fugitive dust control must be reviewed and updated at least once every 10 years.
 - However, if the LEP is of the opinion that the information in the report/plans will remain accurate they can provide an addendum to the report/plans.
 - Each addendum must be dated and signed by the LEP.

Additional Activity Requirements

- The following procedures must be developed and implemented at the facility:
 - Operating, maintenance and monitoring procedures to ensure that the facility is operating within the operational parameters set out in the EASR ESDM report supplement and noise report;
 - Procedures are required:
 - to ensure that the NAAP is being implemented (if applicable);
 - that set out the frequency of inspections and scheduled preventative maintenance;
 - to prevent and respond to spills;
 - for record keeping and logs;
 - for training; and,
 - for recording and responding to complaints.

Additional Activity Requirements

- All reports required to be prepared as described in the Air Emissions EASR regulation must be available at the facility.
- The ministry's Spills Action Centre must be notified immediately of any complaints relating to the discharge of contaminants to the air from the facility.
- Record keeping requirements, for example:
 - A copy of each required report, supplement and plan must be retained for at least 20 years, unless an alternative retention period is outlined in the regulation or EASR Publication.

Transition from ECA to EASR

Approvals Issued Before the Regulation Came Into Effect:

- Prescribed activities operating under an ECA will be required to register prior to making any modifications or by January 31, 2027, whichever comes first.
- Prescribed activities operating under an ECA with limited operational flexibility (LOF) will have until January 31, 2027 to transition to the EASR unless a modification outside of the LOF conditions is made.

ECA Applications Already Submitted:

- ECA applications received by the ministry on or before December 31, 2016 have the option to remain in the ECA process or withdraw the application and register on the EASR.

More Information

- [O. Reg. 1/17](#)
- [O. Reg. 524/98](#)
- The Ministry has created guidance material to help support the implementation of the Air Emissions EASR Regulation including the Air Emissions EASR User Guide. These materials are available on the ministry's website: <https://www.ontario.ca/page/environmental-activity-and-sector-registry>
- For more information on how to register an eligible facility please call 416-314-8001 or 1-800-461-6290 or email EAASIBGen@ontario.ca.
- The ministry's Access Environment web page allows the public to search for registered activities and sectors:
<http://www.accessenvironment.ene.gov.on.ca/AEWeb/ae/GoSearch.action?search=basic&lang=en>
- Existing Compliance Tools: [Compliance Policy – Applying Abatement & Enforcement Tools](#)

Questions?

Appendix A: EASR ESDM Report Requirements

- EASR ESDM Report must be available at all times at the facility and must:
 - Be dated, signed and sealed by an LEP and be accurate as of the date it is signed and sealed;
 - Set out the primary and any other applicable NAICS Codes for the facility;
 - Be prepared in accordance with section 26 using one or more approved dispersion models in accordance with subsection 6 (1) and sections 9 to 17 of O. Reg. 419/05 and subsection 12 (2) of O. Reg. 1/17.
 - Demonstrate that the highest concentration of each contaminant discharged by the facility meets the requirements in the regulation (i.e. be at or below the specified concentration in the ACB list, or not likely to cause an adverse effect);
 - Include an ESDM summary table that compares the concentration predicted by the approved dispersion model for the point of impingement and the concentration for the contaminant set out in the ACB list for each averaging period as a percentage of the concentration;
 - ESDM summary table must be uploaded at the time of registration; and,
 - A new report must be prepared at least once every 10 years.

Appendix B: EASR ESDM Report Supplement Requirements

- EASR ESDM Supplement Report must accompany the EASR ESDM report.
- EASR ESDM Supplement Report must:
 - Set out the date, name and person who completed the supplement and be dated and signed by the same person;
 - Be accurate as of the date it is signed;
 - Set out the legal and operating name of each owner and operator of the facility and the site address;
 - Contain a statement signed by the person engaging in the prescribed activity that confirms all the information given to the licensed engineering practitioner in order to complete the report was complete and accurate;
 - Include statements signed by the licensed engineering practitioner (detailed on the next slide); and,
 - May include a statement from the licensed engineering practitioner that the report was prepared as if s. 20 of O. Reg. 419/05 applies to that contaminant;

Appendix B: EASR ESDM Supplement Report Requirements

- The LEP that signed and sealed the EASR ESDM report must include a statement as part of the EASR ESDM Report supplement that contains the following:
 - Confirmation that based on the information provided to the LEP, the information in the report is accurate as of the date it is signed and sealed;
 - Confirmation that the EASR ESDM report was prepared in accordance with section 26 of O. Reg. 419/05 and subsection 12(2) of O. Reg. 1/17 and one or more approved dispersion models were used to prepare the report and used in accordance with sections 9 to 17 of O. Reg. 419/05;
 - A statement indicating whether the report was prepared based on proposed discharges;
 - A description of methods and procedures employed to ensure minimization of errors and omissions;
 - A description of the operational parameters determined to prepare the report (maximum production rates, process limits, performance limits and parameters relating to equipment and infrastructure);
 - A description of the operating and maintenance procedures required to ensure the facility is operating within the described operational parameters; and,
 - Confirmation that the combustion equipment listed in Chapter 1 of the EASR publication meets the discharge limits in the chapter.

Appendix C: EASR Noise Report Requirements

- Noise Report must be signed, dated and sealed by a Licensed Engineering Practitioner and be accurate as of the date it is signed and sealed.
- Report must set out:
 - NAICS Codes for the facility (Primary and all applicable NAICS Codes);
 - Legal name of the owner and operator of the facility;
 - The site address of the facility; and,
 - A statement from the LEP indicating that the information is accurate as of the date the report was signed and sealed.

Appendix C: Noise Report Requirements

Report must contain a statement from the LEP indicating that one of the following is met:

- The distance between the facility and the property boundary of the closest point of noise reception is equal to or greater than 1000 metres.
- The actual separation distance from the facility to the closest point of noise reception is equal to or greater than the minimum separation distance, as determined by using the Primary Noise Screening Method.
- The combined sound level resulting from sound discharged from the facility at each affected point of noise reception, as determined using the Secondary Noise Screening Method, is less than or equal to the applicable sound level limit set out in Chapter 3 of the EASR publication.
- The combined sound level resulting from sound discharged from the facility at each affected point of noise reception, as determined using an acoustic assessment, is less than or equal to the applicable sound level limit set out in Chapter 3 of the EASR publication.
- A noise abatement action plan is included in the noise report.

Appendix D: EASR Noise Abatement Action Plan Requirements

- NAAP is only allowed for existing facilities at the time of registration.
- NAAP can only be used for existing facilities that do not meet the sound level limits in Chapter 3 of the EASR publication at the time of registration.
- In addition to the other Noise Report requirements, if a NAAP is included, the Noise Report must also set out:
 - Noise control measures or procedures;
 - Confirmation that the affected points of reception were determined in accordance with the EASR publication Chapter 3, and information required in Chapter 3, including the acoustic summary;
 - Describe the methods and procedures to minimize errors and omissions; and,
 - Measures and procedures to be implemented to meet the applicable sound level limits and a schedule with specific dates by which the measures and procedures will be implemented.

Appendix E: Odour BMPP and OCR Requirements

- The BMPP for Odour and the Odour Control Report (required if prescribed circumstances exist at the facility) must be signed, dated and sealed by a Licensed Engineering Practitioner and be accurate as of the date it is signed and sealed.
- The Odour Screening Report must set out:
 - NAICS Codes for the facility (Primary and if applicable, the secondary, NAICS Codes);
 - Legal name of the owner and operator of the facility;
 - The site address of the facility;
- The BMPP for Odour, and the Odour Control Report must also include:
 - A statement from the LEP indicating that the information is accurate as of the date the report was signed and sealed; and,
 - A statement from the person engaging in the activity confirming that all of the information given to the LEP in order to prepare the report was complete and accurate.

Appendix E: Odour BMPP and OCR Requirements

- BMPP must also set out potential causes for increases in odour, measures and procedures to control odour, inspection, maintenance and monitoring procedures, and identification of additional measures and procedures that could be implemented, if any.
- For facilities with an existing ECA, confirmation that any existing ECA terms and conditions for odour were considered in preparation of the BMPP.
- OCR must also set out:
 - A list of measures and procedures used in similar facilities, including other jurisdictions to prevent or minimize discharge of odour;
 - An analysis of the above measures and procedures to determine feasibility;
 - A list of measures and procedures that are feasible, and if not included in the BMPP, an explanation of why the measure is not necessary; and,
 - An explanation of why the measures and procedures in the BMPP are adequate to prevent or minimize the discharge of odour.

Appendix F: Fugitive Dust BMPP Requirements

- The BMPP for fugitive dust control must be signed, dated and sealed by a Licensed Engineering Practitioner and be accurate as of the date it is signed and sealed.
- Report must set out:
 - Legal name of the owner and operator of the facility;
 - The site address of the facility;
 - A statement from the LEP indicating that the information is accurate as of the date the report was signed and sealed;
 - A statement from the person engaging in the activity confirming that all of the information given to the LEP in order to prepare the report was complete and accurate; and,
 - For significant sources of fugitive dust, possible causes of fugitive dust, measures and procedures to prevent or minimize fugitive dust, additional measures to implement, including frequency, schedule and worker training, inspection, maintenance and monitoring procedures.

Appendix G: EASR Publication Chapters

- The EASR Publication includes chapters on:
 1. in-stack limits for combustion equipment;
 2. off-grid and remote facilities/communities with electricity generating engines;
 3. noise limits and requirements;
 4. odour setback distances and requirements; and,
 5. small wood-fired combustor requirements.