

*A By-law 2010-035, to assess and control the health effects of major emissions of fine particulate (PM) matter in the Town of Oakville.*

*Approved February 1, 2010*

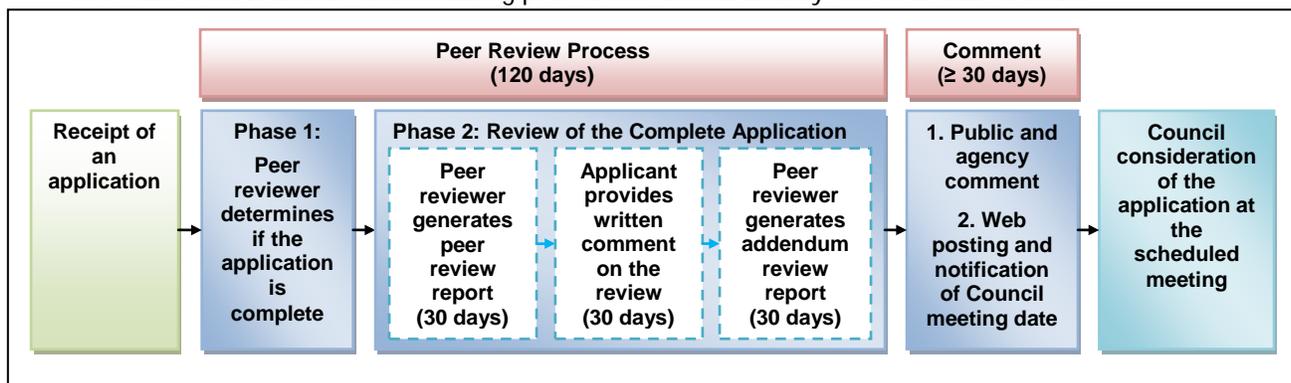
### Approval requirements for major emissions of a health-risk air pollutant<sup>1</sup> (HRAP)

- A “major emission” is an emission of a HRAP (fine PM and/or any precursor pollutant) into the air from a facility that exceeds specified annual thresholds for that pollutant.
- Proposed or existing facilities in Oakville that cause a major emission of a HRAP to the air require an approval of their emissions under the by-law.
- For the approval process, persons owning or operating such facilities will need to make an application to the town with information that includes a description of the facility, airshed mapping, the concentration of fine PM, and evaluations and assessments of the risks to human health associated with the emissions or submit a Major Emission Reduction Strategy as outlined in amending By-law 2012-066. *(please refer to the Fact Sheet-Major Emission Reduction Strategy for more information)*
- An application fee of \$25,000 is required for facilities causing major emissions of a HRAP to cover the costs to the town of processing the application and the retainer of a qualified independent peer reviewer to review the application.
- A guidance document for approval requirements is available on the town’s website.

### What is the town review and decision-making process?

- Upon receipt of an application for approval along with the application fee, the town will conduct a 2-phase peer review process within 120 days and then engage in public and agency consultation on the application for at least for 30 days before Council considers the application during a scheduled Council meeting.
- Section 4.1 of the guidance document for approval requirements provides additional information about Phase 1 and 2 of the peer review process.

The town review and decision-making process is summarized by the flow chart below:



- At the scheduled Council meeting, or soon thereafter as specified by Council, Council will make a decision on the application.

<sup>1</sup> “Health-risk air pollutant” and other terms are defined in the by-law, and includes fine PM, as well as nitrogen oxides, ammonia, sulphur dioxide, and volatile organic compounds (“precursor pollutants”).

### What decision the Council will make on applications?

- For a proposed facility, with the required information and all required land use approvals, Council will make one of the following decisions:
  - a. where Council determines that the major emission of the proposed facility is not likely to cause a significant public health effect, Council shall approve the application subject to conditions as Council deems appropriate;
  - b. where Council determines that the major emission of the proposed facility is likely to cause a significant public health effect, Council shall:
    - i. refuse to approve the application and decide that the major emission of the proposed facility is a public nuisance; or
    - ii. approve the application on the basis that public interest favours allowing the major emission to occur, subject to conditions as Council deems appropriate.
- For an existing facility, with the required information, Council will make one of the following decisions:
  - a. where Council determines that the major emission of the facility is not likely to cause a significant public health effect, Council shall approve the application subject to conditions as Council deems appropriate;
  - b. where Council determines that the major emission of the facility is likely to cause a significant public health effect, but the facility proposes an overall 25% reduction in health-risk air pollutants over the next five year and the peer review agrees the proposed reduction is achievable, Council shall approve the application, and authorize a five-year approval of the facility subject to conditions as Council deems appropriate;
  - c. where Council determines that the major emission of the facility is likely to cause a significant public health effect, Council shall:
    - i. refuse to approve the application and decide that the major emission of the facility is a public nuisance; or
    - ii. approve the application on the basis that public interest favours allowing the major emission to occur, subject to conditions as Council deems appropriate.

### By-law phase-in

- As of February 2010, Section 5 of the by-law requires that any **proposed facility** that may cause a major emission of a health-risk air pollutant to obtain Town approval for the emissions.
- Effective September 2012, Section 6 of the by-law will require **all existing facilities causing a major emission** of fine PM and/or any precursor pollutants to **either** provide a major emission reduction strategy or to obtain Town approval for their emissions.

### For more information...

For information on the Health Protection Air Quality By-law, including compliance guidance documents, staff reports, presentations, and a copy of the by-law, refer to the town's website, or contact Jeffrey Lee, Research Policy Analyst - Air, Environmental Policy:

- Website: <http://www.oakville.ca/environment/health-protection-air-quality.html>
- Email: [healthprotection@oakville.ca](mailto:healthprotection@oakville.ca)
- Tel: 905.845.6601, ext. 3149