

# Gaps in Provincial Air Quality Protection

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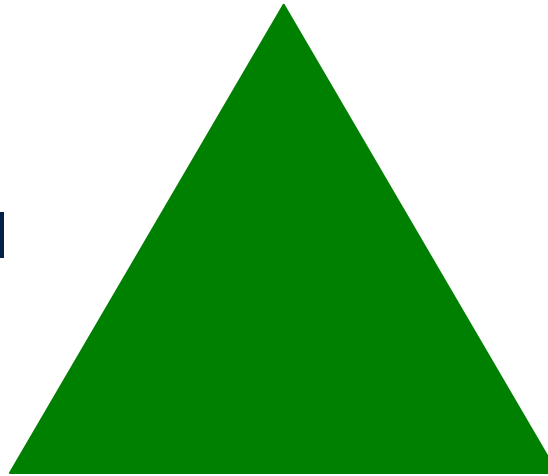
# Air Quality Protection: Appearance

## Environmental Protection Act (EPA)

-Point of Impingement (POI) and Ambient Air Quality Criteria (AAQC) standards – 300+ contaminants listed

## Environmental Bill of Rights (EBR)

-SEV  
-cumulative effects  
-precautionary  
approach



## Environmental Assessment Act (EAA)

-describe existing ambient  
air quality  
-assess all significant  
adverse effects  
-identify potential  
mitigation

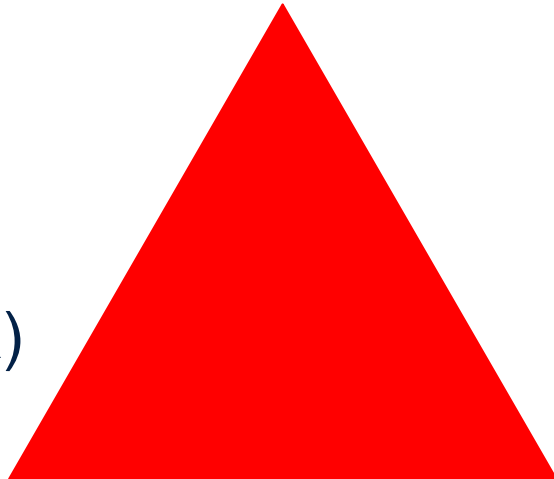
# Air Quality Protection: Reality

## Environmental Protection Act (EPA)

- not all contaminants regulated
- ambient air quality not regulated, required to be or even considered
- no public rights to hearings or appeals on air quality

## Environmental Bill of Rights (EBR)

- no SEV for instruments
- no notice, comment or approval if EAA involved



## Environment Assessment Act (EAA)

- no standards: self-assessment
- no provincial approval
- no hearings or appeals

# Gaps:

## [1] Not all contaminant emissions regulated

- EPA POI standards do not include  $PM_{2.5}$
- No EAA approval to allow legal status to be given to  $PM_{2.5}$

## Gaps:

### [2] Ambient air quality not regulated

- EPA regulations provide limits for ambient air quality
- No requirement to stay within those limits
- Regulation does not include PM<sub>2.5</sub>
- No requirement that a MoE decision-maker has to consider these limits for any approval decision
- Canada-Wide Standards for PM<sub>2.5</sub> have no legal status
- EAA can consider ambient levels but its conclusions have no legal status; no provincial approval involved

# Gaps:

## [3] No public accountability

- EAA process is fully public, but no standards; no approval; no appeal; no hearing
- EPA process is not public; no public appeal; no public hearing; no requirement to be consistent with EAA
- EBR process is public and includes right to public notice, comment, leave to appeal and consideration of SEV, but is exempt where EAA involved; therefore, no notice; no comment; no SEV; no appeal; no hearing

## **Future Actions:**

- [1] Letter to Minister seeking Individual Environmental Assessment of power plant**
- [2] EBR application for review seeking new MoE regulation for PM<sub>2.5</sub> emissions**
- [3] Letter to MoE seeking use of EBR for all Ministry approvals**