



CANADIAN ENVIRONMENTAL LAW ASSOCIATION
L'ASSOCIATION CANADIENNE DU DROIT DE L'ENVIRONNEMENT

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Mr. Jim Smith, Acting Director
Standards Development Branch
Minister of Environment and Energy
Suite 100, 135 St. Clair Avenue West
Toronto, Ontario
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Dear Mr. Smith:

Re: Consultation on Proposed Air Standards

Thank you for your letter of April 23, 1996. At this point in time we have no further comments beyond those which were submitted in our letter of February 14, 1997 except to note that benzene is not included as one of the contaminants in the proposed air standards. This is a matter of concern to the Canadian Environmental Law Association since benzene is a known carcinogen.

We note that in the 1992 Status Report on Ontario's Air, Water and Land the Ministry has recorded elevated levels of benzene on a number of occasions in Sault St. Marie and Hamilton due to emissions from steel mills and automobile exhausts.

We would therefore, request the MoEE also include benzene as one of the contaminants in its proposed air standards. We would appreciate it if you would keep us advised on how the Ministry proposes to move forward on this initiative and if there have been any amendments to the proposal since our last meeting.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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CANADIAN ENVIRONMENTAL LAW
ASSOCIATION.
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Consultation on propose...RN22346



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February 14, 1997

Jim Smith, Acting Director
Standards Development Branch
Minister of Environment and Energy
Suite 100, 135 St. Clair Avenue West
Toronto, Ontario
M4V 1P5

Dear Mr. Smith:

Re: Standard Setting for Air

On January 22, 1997 we attended a presentation at your branch regarding the above standard setting initiative. The Canadian Environmental Law Association strongly supports the Ministry of Environment and Energy's proposals in this area.

However, the extent to which the Ministry will implement these standards remains uncertain. We were advised at the presentation that the Ministry has not as of yet determined how these new standards would be incorporated into existing certificates of approval. In our view, if these new standards are to be effective, they would have to be incorporated into both new certificates of approval and the existing certificates of approval.

The standards for some chemicals such as nickel and trichloroethylene have been reduced significantly. These new standards would have definite impact on an industry's production process and the type of pollution control equipment required to ensure compliance. The failure to revise the existing certificates of approval would likely cause an inconsistent application of the standards upon industry emitting the same type of contaminants. It would also create uncertainties in enforcement since it is unclear whether the new standards should apply to facilities with an existing certificate of approval. If the Ministry wants to achieve and maintain protection of Ontario's environment, the new standards should apply province-wide to all existing and new facilities. We, therefore, urge the Ministry to revise existing certificates of approval in accordance with the new standards.

The Ministry's reliance on the use of point of impingement standard as the mechanism to regulate emissions of contaminants is also a matter of concern. Even the Ministry has noted this approach is an ineffective method of preventing and reducing air pollution. It was to overcome the inadequacies of this approach which caused the Ministry to propose the 1987 Clean Air Program. The programme had sought to reduce emissions to the atmosphere from stationary sources by:

- requiring that all significant stationary sources to the atmosphere be controlled to minimize releases to the environment;
- requiring controls commensurate with the knowledge of, or suspected hazard of, the contaminants being emitted;
- requiring that all significant (new and existing) sources of emissions obtain a Certificate Approval renewable on a ten year basis; and
- phasing out the use of hazardous chemicals.

Unfortunately, the Ministry's proposed new standard does not give any recognition to controlling pollution at its source and the need to phase out the most hazardous contaminants, although they do provide a step forward in controlling the province's air pollution.

We thank you for the opportunity to attend the presentation and comment on the above matter. If you would like to discuss our concerns in more detail we would be pleased to meet with you and your staff at your convenience.

Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

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