

# Air Self Assessment

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**For more information:**

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**PIBS 8972e**

### PLEASE READ THIS FIRST:

#### *Helpful tips for using this self assessment.*

This voluntary and anonymous self-assessment has been developed to help you evaluate your facility's compliance level with Ontario's air-related environmental legislation.

Keep the following in mind as you use this self-assessment:

- Your **“yes” responses** will indicate:
  - how knowledgeable you are about the relevant legislation
  - how well you may be reducing your impact on the environment
- This self assessment is designed so you can fill it out at your leisure and save your responses for future reference.
- We recommend that you **use your initial responses as a benchmark** in your facility's compliance program. Over time, you can refer back to these responses to ensure you continue to increase the number of “yes” responses as you work towards environmental improvement.
- Once you have completed this self-assessment, save and print the entire document so you have the questions, answers and support information.

**Glossary terms** are shown as **bold, green links** that will take you to their definitions in the Glossary section at the end of the document. When you're ready to go back to where you were, you can use the “jump back to” shortcuts to get you to the right question faster.

Remember to save this document as you progress to ensure your responses are not lost. If you leave this document to visit another website or document your responses will remain intact.

## A NOTE ON PRINTING AND SAVING THIS DOCUMENT

Depending on the version of Adobe software you are using, you may have trouble saving your document. If this document will not 'save as', you may have to click on 'print' and then 'print to adobe file' to save this document.

## Introduction

The Ministry of the Environment developed this self assessment to help you evaluate your compliance with Ontario's air-related environmental legislation.

The Self Assessment will answer key questions about your regulatory responsibilities and help you prepare for future inspections that the ministry may conduct at your facility.

The Ministry of the Environment is transforming the environmental approvals program by implementing a two path, risk-based environmental approvals process that is consistent with leading jurisdictions across Canada, the U.S. and abroad. Moving to a risk-based framework allows the ministry to focus on environmental protection while making the process more effective and user-friendly for businesses. The new risk-based process includes a self-registration process for certain routine, standard and well-understood sectors and activities. Persons engaging in such sectors/activities may register the sector/activity in the Environmental Activity and Sector Registry (**EASR**). For more complex and unique sectors and activities, a streamlined single approval, Environmental Compliance Approvals (**ECA**), addresses all of a business's emissions, discharges and wastes.

To determine which environmental approval is appropriate for your facility, visit [www.ontario.ca/environmentalapprovals](http://www.ontario.ca/environmentalapprovals). The information in this air self assessment is most appropriate for facilities requiring an Environmental Compliance Approval. For facilities eligible for the Environmental Activity and Sector Registry (EASR), the requirements as set out in [Ontario Regulation 245/11](#) made under the Environmental Protection Act (EPA) must be followed.

Contact your [local ministry district office](#) if you have any questions about your facility's operation.

### Disclaimer

This document is provided for information purposes only and is not intended as specific advice or recommendations in any circumstances. While every effort has been made to ensure the accuracy of the information contained in this Self Assessment, the information provided is intended to be of a general nature.

The purpose of this Self Assessment is to assist users with understanding their responsibilities and should not be construed as legal advice. Users should satisfy themselves with respect to their full obligations regarding provincial environmental legislation and should engage technical experts and legal counsel as necessary to determine compliance. The Ministry of the Environment is not responsible for any damages whatsoever arising from the interpretation of information presented in this document.

Legislative references in this document are effective as of the date this document was published. Where there is a discrepancy between this document and the legislation, the legislation prevails. The legislation may be obtained from Ontario's e-laws website at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca) or from the ministry's **Public Information Centre**.

## Question 1

**Are you aware of the air-related provincial environmental legislation that applies to your facility?**

In answering this question you should consider:

- Have you reviewed the information on the ministry's website related to [Air](#)?

There are over twenty air-related regulations under the [Environmental Protection Act](#) (EPA).

Yes       No

Two key air related regulations made under the EPA include:

### ***Air Pollution – Local Air Quality Regulation ([Ontario Regulation 419/05](#))***

Ontario Regulation 419/05 – Air Pollution – Local Air Quality (the Local Air Quality Regulation or the **regulation**) is the main tool used by the **ministry** to regulate air **contaminants** released by industrial facilities in order to protect local communities. The regulation includes three compliance approaches for industry to demonstrate environmental performance, and make improvements when required. Industry can meet the air standard, request a site-specific standard or register under a technical standard. All three approaches are valid under the regulation.

### ***Ozone Depleting Substances and Other Halocarbons Regulation ([Ontario Regulation 463/10](#))***

The **Ozone Depleting Substances** and Other Halocarbons Regulation regulates the use, management and disposal of ozone depleting substances such as pressurized containers, flexible foam and rigid insulation foam, solvents, sterilants, halon fire extinguishing equipment and refrigerants.

This regulation includes the phase out of chlorofluorocarbons (CFC) in large refrigeration equipment and the phase out of halons in fixed fire extinguishing equipment. In addition, sections 30 to 42 of the General Waste Management Regulation ([Ontario Regulation 347](#)) under the EPA apply to the disposal of mobile and stationary refrigerant waste.

## Question 2

### Are you aware of what constitutes an air discharge?

In answering this question you should consider:

- The chemical products/substances used in your process that could end up being emitted to the air.
- That air discharges can occur from both point sources (i.e. stacks) and fugitive sources (i.e. open doors, piles of material).

An air discharge occurs when there is a release or emission of a **contaminant** to the air. Air discharges may include emissions from stacks, other **point sources** or **fugitive** discharges to air.

Yes       No

If you own, manage or operate a facility with an operation that emits one or more **contaminants** into the air, section 9 of the Environmental Protection Act ([EPA](#)) requires you to have an Environmental Compliance Approval (**ECA**) to permit the discharge of the contaminant into the air. This applies unless you are eligible for the Environmental Activity and Sector Registry (**EASR**) or an exemption. [Ontario Regulation 524/98](#) under the EPA provides certain exemptions to the approval process. In addition, your facility must meet all the conditions that are included in your ECA and/or the operating requirements in Prescribed Activities and the Environmental Activity and Sector Registry – Heating Systems, Standby Power Systems and Automotive Refinishing Regulation ([Ontario Regulation 245/11](#)) under the EPA.

## Question 3

### Do you know how a facility assesses an air discharge?

The ministry has established standards and guidelines for a number of air contaminant discharges. The **regulation** sets concentrations for contaminant discharges at any point that is off the facility property and at any child care facility, health care facility, senior citizens home or educational facility located on the facility property. These points are referred to as points of impingement (**POI**). Demonstrating compliance with the regulation begins with preparing an Emission Summary and Dispersion Modelling (**ESDM**) report that includes a summary of total property air emissions.

Yes       No

The ESDM report contains results from a computer generated model that evaluates **contaminants** discharged at locations around your facility including how they disperse

in the atmosphere and the concentration (or level) of those discharges at points beyond your facility's boundaries. The type of **air dispersion model** used is prescribed and phased in by the regulation. By February 1, 2020, all regulated facilities in Ontario must use more advanced models when preparing an ESDM.

The ESDM report should show that discharges from your facility are lower than the **ministry** standards and guidelines at all POI. This is taken into consideration by the **Director** when issuing an **ECA**.

[Section 26](#) of the regulation sets out the information that is required for an ESDM report.

### Question 4

**Do you know when you are required to prepare or update an Emission Summary and Dispersion Modelling (ESDM) report?**

Yes       No

The **regulation** requires the preparation of an **ESDM** report in the following circumstances:

- When applying for an Environmental Compliance Approval (**ECA**) under [section 9](#) of the Environmental Protection Act (EPA).
- As of February 1 2010, for a facility within an industrial sector listed in **Schedule 4** of the regulation.
- Before February 1 2013, for a facility within an industrial sector listed in **Schedule 5** of the regulation
- By a person who receives a written notice from a **ministry Director** to submit an ESDM report.
- By a person who discharges a **contaminant** that results in a Point of Impingement (**POI**) concentration that is above an Upper Risk Threshold (**URT**) set out in [Schedule 6](#) of the regulation. This report must be submitted to a ministry Director within three months of the discharge.
- By a person requesting a **Site-Specific Standard**. This ESDM report is submitted to the ministry with a request for a Site-Specific Standard.

***Do you know when ESDM Reports are required to be updated?***

The requirements for updating ESDM reports are set out in [Section 25](#) of the regulation.

For facilities in sectors listed in **Schedules 4 and 5** of the regulation, ESDM reports must be updated annually after 2010 and 2013, respectively. This update must be completed not later than March 31st in the following year.



Additional requirements for annually updating other ESDM reports apply in a number of instances. These instances include but are not limited to updating a report:

- Required by a **ministry** notice under [section 24](#) of the regulation
- Prepared as a result of a reported URT exceedence under [section 30](#) of the regulation
- Required as part of the Site-Specific Standard process.

Additional updating requirements may be included in **ECA**s with **limited operational flexibility**.

### ***Where should you keep ESDM Reports?***

Under [Section 27](#), a copy of the ESDM report(s) must be kept at the place to which the report relates for at least five years and report(s) must be made available to the Director or a **Provincial Officer** upon request. The most up-to-date executive summary of the report must also be made available to the public by posting it on the Internet or by making it available during regular business hours at the place to which the report relates. These reports must be given, without charge, to any person within 15 days after the person requests it.

## Question 5

### **Does your facility have the required Environmental Compliance Approval (ECA) from the Ministry of the Environment for all its discharges to the air?**

In answering this question you should consider:

- Whether a **Qualified Individual** has reviewed your facility's operations to determine if an **ECA** is required?

Yes       No       Not applicable\*

\* if selected, go to **Question 8**.

### ***What is the approval framework in Ontario?***

The approvals system has the following two paths:

1. Registry Process: The Environmental Activity and Sector Registry (**EASR**) is a new, online self registration system.

It replaced the approvals process on October 31, 2011 for specific activities and sectors that would be considered routine, standard, or well understood. These activities and sectors are detailed in the Prescribed Activities and the Environmental Activity and

Sector Registry – Heating Systems, Standby Power Systems and Automotive Refinishing Regulation ([Ontario Regulation 245/11](#)) under the Environmental Protection Act ([EPA](#)). A person engaging in these prescribed activities registers the activity on the registry which is accessible through the Service Ontario website at [www.serviceontario.ca](http://www.serviceontario.ca).

2. Environmental Compliance Approval Process: Environmental Compliance Approval (**ECA**) is the new name for environmental approvals and replaces the terms “Certificate of Approval” under the EPA and “approvals” under the [Ontario Water Resources Act](#) (OWRA) issued by the **ministry**. Also, changes to the approvals process include the ability to apply for a single ECA that addresses all of a business’s emissions, discharges and wastes. For example, if your project has more than one type of environmental impact (i.e. air emissions and waste management activities) you can apply for all in one application). Separate approvals for air, noise and waste are no longer required.

### ***What role do Environmental Compliance Approvals (ECA) play?***

**ECA**’s enhance environmental protection and outcomes wherever there may be an emission of a **contaminant** into the environment. The purpose of the ECA is to regulate activities that release emissions or contaminants to the environment. ECA’s help ensure that current environmental standards and regulatory requirements are in place to prevent or mitigate environmental impacts. Each ECA is site-specific and can be tailored to the individual circumstances and characteristics of the facility and its local environment.

Section 9 of the EPA is the basis of Ontario’s approval program. This section requires companies to obtain an approval before constructing, altering, extending or replacing any equipment or structure that may emit or from which may be emitted a contaminant into the natural environment, other than water. Approval is also required for the ongoing operation of any equipment that may discharge a contaminant to the air.

A standard application [form and guidance documents](#) are available to help you apply for an ECA. Applicants are responsible for submitting applications that meet all requirements.

### ***Are there exemptions for the requirements to obtain an ECA for air discharges?***

The main exemptions for selected types of equipment and activities are granted by subsection 9(3) of the EPA and the Environmental Compliance Approvals – Exemption from Section 9 of the Act Regulation ([Ontario Regulation 524/98](#)) under the EPA. Specified activities outlined in the Prescribed Activities and the Environmental Activity and Sector Registry – Heating Systems, Standby Power Systems and Automotive Refinishing Regulation ([Ontario Regulation 245/11](#)) under the EPA that are eligible for the EASR.

A site-wide, multi-site or system-wide **ECA** may permit certain changes to your facility without obtaining further approval. Further details on site-wide, multi-site or system-wide ECA are found in **Question 7**. It is highly recommended that a **Qualified Individual** evaluate whether or not an exemption applies.

Examples of exempted processes, equipment or modifications to industrial processes may include:

- Fuel burning equipment below a specified size
- Routine maintenance performed on equipment
- Specified mobile equipment such as snow-making or duct cleaning equipment.

### ***How do I apply for an Environmental Compliance Approval?***

Complete the application form and attach all of the supporting documentation and technical requirements.

Download The Environmental Compliance Approval (**ECA**) application [here](#).

The minimum requirements for an application are set out in the Applications for Environmental Compliance Approvals ([Ontario Regulation 255/11](#)) under the EPA. Ontario Regulation 255/11 sets out information that the **ministry** needs before it begins to review the application. Ontario Regulation 255/11 does not refer to any of the supporting documentation and technical information that may be required for the technical review of the application. The following documents are useful when preparing to apply for an ECA related to air:

- [Guide to Applying for an ECA](#)
- [Procedure for Preparing an Emission Summary and Dispersion Modelling Report](#) (The Procedure Document). This document provides clear instructions on the process for demonstrating compliance with the Local Air Quality **Regulation**

Complex proposals or site-specific conditions may prompt the Ministry of the Environment to ask for further information over and above the minimum requirements. The **Director** has the authority to ask for information that is necessary to review the application.

An approval is required whether the operations at your facility already exist or if your company is in the planning and development stage of a project. Make sure you give yourself enough time to obtain an ECA or to self register in the Environmental Activity and Sector Registry (EASR).

You are required to comply with all of the conditions listed in any ECA issued to you by the Ministry of the Environment.

For more information about ECAs, to get an application package, or to apply for an ECA amendment, please contact the Environmental Approvals Access and Service

Integration Branch at 416-314-8001 or toll free at 1-800-461-6290, or by e-mail at [EAABGen@ene.gov.on.ca](mailto:EAABGen@ene.gov.on.ca).

Completed applications for Environmental Compliance Approvals must be submitted to the Director of the Environmental Approvals Access and Service Integration Branch (see below) and the applicable [District and/or Area Office](#).

Director  
Environmental Approvals Access and Service Integration Branch  
Ministry of the Environment  
2 St. Clair Ave W, Floor 12A  
Toronto, ON M4V 1L5

### Question 6

**Your facility's Environmental Compliance Approval (ECA) lists things you must do. Has your facility met all the conditions listed in its ECA?**

In answering this question you should consider:

- Whether you have reviewed the conditions of your **ECA**?
- Whether you have reviewed the supporting documentation that is listed in your ECA?
- What you must do in order to comply with the requirements of your ECA?

Yes

No

**ECA's** regulate the release of **contaminants** into the natural environment in order to help protect human health and the environment from harm. Conditions are legal requirements that your facility must meet. The person who was issued the ECA must meet all of the conditions. If you do not meet the conditions of the approval, you are not in compliance with the legislation.

***What are some of the conditions that may be in an ECA?***

Examples of conditions include:

- Operating equipment at a particular temperature or pressure;
- Developing manuals or other written procedures;
- Inspecting and maintaining equipment;
- Monitoring and reporting things to the **ministry**;
- Meeting discharge **limits** for certain contaminants; and
- Requiring equipment or processes to operate in a certain way.

## Question 7

### Have you amended your ECA if something has changed or is about to change that will affect your facility's air discharges?

In answering this question you should consider:

- Have you reviewed your **ECA** to ensure that all your current operations and equipment are appropriately captured?

### What do I have to do if I made or am planning to make changes that will affect air discharges from my facility?

Depending on the type of approval your facility has you may be required to amend your **ECA** if changes are being made to an approved discharge point or to a production process. For example, adding new equipment may be reason to amend an ECA.

Yes

No

### ***Can I make modifications under an ECA?***

Facilities issued an ECA with **Limited Operational Flexibility** (previously known as comprehensive Certificates of Approval) can make some modifications to specifically defined aspects of your facility's operations or works without having to amend the ECA (i.e. specified process changes, de-bottlenecking or addition of certain types of new equipment).

The types of changes permitted under an ECA with Limited Operational Flexibility are restricted by the operating envelope defined in the approval and its conditions.

An ECA with Limited Operational Flexibility reduces delay to industry associated with the traditional approvals process by providing an opportunity for companies to make some modifications to their facility as specified in the ECA.

### Question 8

**Are you aware of all documents that must be kept, updated and maintained by your Environmental Compliance Approval (ECA) or by any other provincial environmental requirements?**

The **ECA** may reference documents that need to be updated and maintained. These documents may be listed as conditions and likely include the operating and maintenance programs, emergency procedures, and complaint response procedures.

You may also be required to provide an Emission Summary and Dispersion Modelling (**ESDM**) report, [technology report \(section 27.1 of Regulation 419/05\)](#), and/or abatement plan. It is highly recommended that you retain any materials provided to you by the **ministry** or copies of documents that you have submitted to the ministry.

Yes       No

Also note that the documents listed as schedules to an **ECA** are a part of your approval. Refer to **Table 3: Example Document Log**.

During an inspection, Ministry of the Environment staff may request copies of the following:

- letters
- site plans
- approvals
- applications for approval
- orders
- notices
- voluntary and/or mandatory abatement initiatives
- other information.

### Question 9

**Does your facility meet the air standards and guidelines as well as any operational limits for specific contaminants identified in your Environmental Compliance Approval (ECA)?**

In answering this question you should consider:

- Have your facility's emissions been reviewed against current air standards, guidelines and any specific **contaminants** identified in your **ECA**?

### **What are air contaminant standards and guidelines?**

Air standards are legal **limits** that can apply to specific industrial facilities. Air guidelines are limits used to assess adverse effects. All **ministry** limits are set to be protective of human health or environmental effects or nuisance effects such as odour.

Yes       No

Guidelines are not set out in the **regulation** but are listed in the ministry document [“Summary of Standards and Guidelines to support Ontario Regulation 419: Air Pollution – Local Air Quality”](#) (including Schedule 6 on **URTs**”).

If an **air dispersion model** applied as required by the **regulation** or air **monitoring** data indicate a **contaminant** level or concentration is higher than an air standard or guideline at a **POI**, then your facility may be causing adverse impacts on the environment. You are required under [Section 28](#) of the regulation to notify the **ministry** and submit an abatement plan within 30 days.

### **What if I emit a contaminant and it is not listed in a Ministry of the Environment standard or guideline?**

All **contaminants** discharged to the air from a facility must be assessed. Other information sources such as the Jurisdictional Screening Level List (**JSL**) may be used to help determine appropriate limits for contaminants that do not have an established standard or guideline.

In this case, the **ministry** will consult with a facility during the **ECA** consultation stage. The **Director** will then determine appropriate limits for contaminants that do not have an established standard or guideline.

## Question 10

### **Are you aware of the new contaminant air standards?**

All facilities must comply with the air standards in Schedule 2 or 3 of the **regulation**. New air standards have taken effect or will begin to take effect at specified intervals as set out in the regulation.

Yes       No

- 33 new or updated standards took effect on February 1, 2010, including the more stringent lead standard
- new or updated standards for 13 substances will take effect February 1, 2013
- new or updated standards for 8 substances will take effect July 1, 2016
- as additional new standards are introduced or updated, they will be phased-in over time, typically five years.

The regulation includes three compliance approaches for industry to demonstrate environmental performance, and make improvements when required. Industry can meet the air standard, request a **site-specific standard** or register under a **technical standard**. All three approaches are valid under regulation.

### Question 11

#### **Do you know you must report to the Ministry of the Environment if your facility exceeds an air standard for a contaminant or any discharge that could cause an adverse effect?**

The **regulation** sets standards for **contaminants** that are discharged to air. Action is required if your facility emits a contaminant that exceeds a standard in the Regulation, and/or an Upper Risk Threshold (**URT**) as set out in [Schedule 6](#) of the Regulation, and/or if there may be an **adverse effect** (i.e. guideline exceedance).

You must notify the **ministry** if you have a modelled or monitored exceedance of a standard or guideline, or if there is information that an URT may be exceeded.

Yes       No

In the case of a standard or guideline exceedance a **Provincial Officer** must be notified in writing as soon as practicable. In the case of a URT exceedance, the **Director** is notified in writing immediately.

You can complete a [Notification of Exceedance](#) form and submit it to your [local ministry district office](#).

You must prepare an abatement plan if you have notified the ministry because of an exceedance of a standard or guideline or because there is potential for an adverse effect. An abatement plan must be submitted within 30 days of notifying the local district ministry office as required by [section 29](#) of the regulation. In addition, the ministry may impose requirements including submitting an Emission Summary and Dispersion Modelling (**ESDM**) Report or a Technology Report ([Section 27](#) of the regulation).

You must prepare an ESDM report following notification of an exceedance of an URTs set out in [Schedule 6](#) of the regulation. The report must be submitted within three months after the discharge.



### Question 12

**Are you aware of the enforcement measures available if you do not comply with all the conditions in an Environmental Compliance Approval or if air discharges exceed the applicable air standard or guideline?**

Yes       No

By not following all the Environmental Compliance Approval (**ECA**) and regulatory requirements while operating your facility, you may have the potential to cause harm to human health and/or the environment. The ministry will consider violations on a case-by-case basis, guided by the [compliance policy](#).

The ministry's response may include one or more of the following: voluntary abatement, issuing a **Provincial Officer's** Order or starting an investigation for a possible prosecution.

### Question 13

**Are you aware that discharges to air must not cause or potentially cause adverse effects such as odours or damage to property even in situations where your facility is complying with its Environmental Compliance Approval (ECA)?**

When operating your facility, no one—including you or your employees— may discharge or allow a discharge of a **contaminant** into the natural environment that causes or is likely to cause an **adverse effect**.

Yes       No

Some examples of adverse effects include impacts to:

- People, their comfort, safety and health, such as:
  - strong odours preventing nearby residents from using their backyard
  - excessive noise preventing nearby residents from opening their windows.
- Businesses, such as
  - air discharges causing a neighbouring business to close for the day.
- The natural environment, property, plant life and animal life, such as
  - particulate fallout from an air discharge that damages paint on neighbourhood cars.

Section 1 of the [Environmental Protection Act](#) defines “adverse effects” under the act.

## Question 14

### Has a Qualified Individual evaluated your facility to assess compliance with applicable provincial environmental legislation?

A **Qualified Individual**, who either works for you or is an environmental consultant, may assist you in ensuring environmental compliance. Determining compliance with applicable environmental legislation could prevent offences that may result in prosecution, and fines.

Yes       No

#### ***Why do I need to evaluate my facility for legislated compliance?***

A broad range of provincial environmental statutes and regulations cover a number of activities at industrial operations. It would be prudent to have a qualified individual determine your company's compliance with applicable legislation. A qualified individual may include a consultant or an individual at your facility who has a background in environmental compliance and processes.

It is the responsibility of the facility owners and/or management to ensure they and/or appropriate staff has adequate training and knowledge of environmental legislation that pertains to their facility.

**Provincial Officers** with the **ministry** inspect facilities to evaluate compliance with provincial environmental legislation. It should be noted that contravention of legislation is an offence and could result in orders being issued or charges being laid and fines levied on conviction.

The ministry grants permits, approvals or registration to Environmental Activity and Sector Registry (**EASR**) under the legislation to regulate discharges to the natural environment. It is important that you review your permit or approval to ensure you understand your obligations. You must also implement the required measures to ensure you are operating in accordance with your approval or permit.

## Question 15

### Do you have operation and maintenance programs in place for the equipment at your facility?

Operation and maintenance programs are a typical Environmental Compliance Approval (**ECA**) requirement or condition. One of the primary goals of implementing operation and maintenance programs is to ensure that you limit and maintain your air emissions in accordance with the regulations and your ECA

Yes

No

#### ***What are operation and maintenance programs?***

Operating procedures required for an Environmental Compliance Approval (**ECA**) or Environment Activity and Sector Registry (**EASR**) usually relate to properly operating process and pollution control equipment to ensure air discharges to the natural environment are minimized. Maintenance manuals refer to documents that outline the nature and frequency of the maintenance to be performed. Any maintenance manual should be maintained regularly and contain details on the frequency of the maintenance as well as documentation, such as a checklist, on who services the equipment, what services were performed and when they were performed. Refer to “**Table 1: Example Equipment Maintenance Log**”.

Additional operating procedures and maintenance programs may be required in your ECA and will likely include operating procedures and maintenance programs recommended by the original equipment manufacturer for each piece of equipment creating an air discharge. Refer to the specific condition(s) in your ECA to determine the requirements for your facility.

## Question 16

### Are there emergency procedures in place at your facility?

Emergency procedures may be required as part of your **ECA**. Refer to the specific condition(s) in your ECA to determine the requirements for your facility.

Yes

No

#### ***What are emergency procedures?***

An emergency procedure is a course of action to be taken when a piece of equipment malfunctions causing or potentially causing an **adverse effect** to the natural

environment. An emergency procedure should include actions to be taken if a piece of equipment is operating outside of the specified parameters.

Emergency procedures should be documented and be available or posted in the vicinity of the equipment to which the emergency procedure applies.

### Question 17

#### **Are there procedures in place at your facility that would address complaints?**

Complaint response procedures are used when a complainant notifies you of an environmental issue they believe originates as a result of operations at your facility. It is highly recommended that complaint response procedures are documented to ensure all of the necessary information is collected about an incident.

Yes       No

These procedures may include:

- pertinent details about operations and conditions such as weather at the time of the incident
- complainant information
- steps taken to determine all possible causes of the incident resulting in the complaint
- actions taken to address the complaint
- any required notifications
- measures taken to prevent the reoccurrence of a similar incident.

Additional complaint response actions may be required as part of your Environmental Compliance Approval (**ECA**) or Environmental Activity and Sector Registry (**EASR**). Refer to the specific condition(s) in your ECA to determine the requirements for your facility. Refer to **Table 2: Example Complaint Response form**.

### Question 18

#### **Are you aware that you must call the ministry's Spills Action Centre if your facility has a spill?**

The ministry's Spills Action Centre operates 24 hours a day, seven days a week and can be contacted by phone at 1-800-268-6060.

### ***What is the role of the Spills Action Centre?***

The [Spills Action Centre](#) receives documents and coordinates responses to reports of spills and other environmental matters across the province.

When **pollutants** are spilled into the natural environment, the ministry's primary role is to ensure that whoever is responsible for the **spill** mitigates the **adverse effect** and restores the natural environment in accordance with the applicable environmental legislation and ministry guidelines. Spills are required to be reported immediately or as soon as practicable to the ministry.

Yes       No

### ***What is a spill?***

“**Spills**” are defined in [part X](#) of the Environmental Protection Act (EPA) as the discharge of pollutants into the natural environment originating from a structure, vehicle, or other container, and that are abnormal in quality or quantity in light of all the circumstances of the discharge. A spill to the air can be an accidental discharge to air, such as an industrial fire or a release of compressed gas from a storage tank. Spills must be reported immediately to the ministry and to the municipality.

### ***When do you have to call the Spills Action Centre?***

Part X of the EPA requires spills to be reported forthwith by the person having control of the pollutant that is spilled and any person who causes or permits a spill of a pollutant. Part X also requires the **owner** of the spilled material, and the person who had control of the spilled material to promptly clean up and restore the environment if the spill causes or is likely to cause an adverse effect. There may be other additional measures that have to be taken following a spill, such as correcting the conditions that resulted in a spill to the air and ensuring that preventative measures are implemented.

If you believe you may have a spill or another type of environmental emergency, call the [Spills Action Centre](#).

### ***What happens if there is a spill at the facility and the Spills Action Centre is not contacted?***

Failure to report the spill of a pollutant to the ministry is an offence. It is the responsibility of the owner and controller of the pollutant to clean up a spill. When those under statutory duties cannot or will not respond adequately, the ministry has the authority under the Environmental Protection Act to order those responsible for the spill to clean up the site. Should they fail to comply with such orders, the ministry can undertake the cleanup and recover costs from the polluter.

### ***Are there any spills that do not have to be reported to the Ministry of the Environment?***

The Classification and Exemption of Spills and Reporting of Discharges [Ontario Regulation \(Regulation 675/98\)](#), made under the EPA, classifies 11 types of spills, circumstances, industry type or activities that are exempt from all or part of [Part X of the EPA](#) duties and responsibilities under specified conditions.

Ontario Regulation 675/98 also encourages those who manage substances that may spill, to evaluate potential risks within their operations and to develop appropriate spill prevention and contingency plans as defined in [section 91.1 of the EPA](#). A “Class X Spill” under Ontario Regulation 675/98 is one addressed in a spill contingency plan that meets certain standards for relatively small and manageable spills.

You must fully understand the application of Ontario Regulation 675/98 prior to evaluating whether or not a spill is reportable to the ministry or any other regulatory agency. If you have any questions about spills, refer to the information in this self assessment and/or contact either the Spills Action Centre or your [local ministry district office](#).

### ***Should I have a spill prevention and contingency plan?***

A spill prevention and contingency plan may provide you with a reporting exemption for spills (under Class X of Ontario Regulation 675/98) and can be used to minimize the impacts and risks of spills. Under the Spill Prevention and Contingency Plan Regulation ([Ontario Regulation 224/07](#)) under the EPA, the ministry has developed a guideline to help you develop and implement a spill prevention and contingency plan for your facility.

Under [section 91.1](#) of the Environmental Protection Act, a regulated person must develop and implement plans to prevent or reduce risk of spills of pollutants, and prevent, eliminate or ameliorate any adverse effects that result or may result from spills of pollutants. The plan must include:

- steps to notify the ministry, other public authorities and members of the public who may be affected by the spill
- measures to ensure that appropriate equipment, material and personnel are available to respond to a spill.

## **Question 19**

### **Do you have an Environmental Management System in place?**

Environmental management systems assist in evaluating the actual and potential impact of facility activities on the environment, such as air impacts.

One of the primary functions of having an environmental management system is that it will guide you when reviewing activities and re-examining your potential and actual environmental impacts.

Yes       No

A facility establishes environmental goals and objectives (or targets) to determine how effectively these impacts are being mitigated or reduced. The targets for continual environmental improvement are based on the environmental aspects determined by the facility. For example, an aspect could be a reportable hazardous material **spill** and the target could be to reduce the number of reportable spills by modified processes and/or capital expenditure.

One of the predominant international environmental management systems has been established by the International Organization for Standardization and is called [ISO 14001](#). ISO 14001 does not provide specific environmental targets but does provide a general framework and principles that can be applied to a facility of any size. Environmental management systems are not required in provincial environmental legislation unless specified in a control document such as an **ECA** for a particular facility.

***What does having an environmental management system do?***

One of the primary functions of an environmental management system is to guide companies to review their activities and re-examine their possible and actual environmental impacts.

### Question 20

**Have you completed all of the required and recommended actions as a result of any previous inspections completed by the Ministry of the Environment?**

Facilities may be inspected for a number of reasons including potential for environmental impact and/or environmental non-compliance issues.

Yes       No       Not applicable

***What can I do if I do not have a copy of my last inspection?***

If your facility has been inspected but you do not have the inspection report, you can contact your [local ministry district office](#). For inspections conducted by Sector Compliance Branch of the ministry call 1-866-482-9967.

### ***What are required actions?***

Required actions will be identified by the ministry in your inspection report and can be based on a number of issues, such as legislative non-compliance or environmental impact. These required actions normally have a completion date by which you need to report and verify to the ministry that the required work or actions have been completed for your facility. Failure to comply with the required actions resulting from an inspection may cause environmental impacts and could result in further **abatement** action or charges being laid.

### ***What are recommended actions?***

Recommended actions can be based on a number of issues that are not directly related to a legislated requirement; however, these environmental issues are normally preventive in nature. Recommended actions may include, for example, implementing a **spill** response plan.

## **SELF ASSESSMENT COMPLETION**

### **Congratulations on completing this air self assessment!**

The number of 'Yes' responses indicate how knowledgeable you are about provincial environmental legislation that regulates operations at your facility and indicates how well you may be reducing your impact on the environment.

We recommend that you print and **use your initial responses as a benchmark** in your facility's compliance program: Over time, you can refer back to these responses to ensure you continue to increase the number of "yes" responses as you strive to attain compliance.

## **A NOTE ON PRINTING AND SAVING THIS DOCUMENT**

Depending on the version of Adobe software you are using, you may have trouble saving your document. If this document will not 'save as', you may have to click on 'print' and then 'print to adobe file' to save this document.



**Table 1**

**Example Equipment Maintenance Log\***

Equipment:			Approval Number:		
Section to be Maintained	Manual Name	Maintenance Frequency	Maintenance Performed	Performed By & Date	Signed off as required?
Eg. Filters	Eg. Air Management Systems, Aerospace, 2007	Eg. Replace Filters Monthly	Eg. Filters Replaced	Eg. Pat Bloggins Sept 1, 2008	<input checked="" type="radio"/> Y <input type="radio"/> N

\*Note: This log may not contain all the relevant information as required by your Environmental Compliance Approval (**ECA**). Refer to your ECA for your required information. If you already have a log which complies with your ECA then you may not need to use this log.

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**Table 2**

**Example Complaint Response Form\*\***

File Number: \_\_\_\_\_

Nature of Complaint: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Person Complaint reported to: \_\_\_\_\_

Method of Contact:  Telephone  Letter  Fax  E-mail  In-Person

Date Complaint Occurred: \_\_\_\_\_ Time: \_\_\_\_\_

Name of Reporting Party: \_\_\_\_\_ Phone no: \_\_\_\_\_

Address of Reporting Party: \_\_\_\_\_

Wind Direction at Time of Complaint: \_\_\_\_\_

Weather at Time of Complaint: \_\_\_\_\_

Ministry of the Environment Local Office Phone: \_\_\_\_\_

Ministry of the Environment Spills Action Center: 1-800-268-6060

Description of Complaint: \_\_\_\_\_

---

Company activities at the time of the complaint (include process conditions, maintenance being performed):

---

Description of response immediately following the complaint:

Method of Response:  Verbal  Written  E-mail  Meeting

---

If no action was taken, specify why. Describe any preventative action taken to address the cause of the complaint.

Date of Initial Response/Action: \_\_\_\_\_

Referred for Further Action to: \_\_\_\_\_

---

Follow up:

Date Closed: \_\_\_\_\_ Signature: \_\_\_\_\_

\*\*Note: This form is provided as an example and may not contain all the relevant information as required by your Environmental Compliance Approval (**ECA**). Refer to your ECA for your required information. If you already have a form which complies with your ECA then you may not need to use this form. Attach copies of any other information/letters/notes/drawings/photographs as available.

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**Table 3**

**Example Document Log\*\*\***

Document Type	Document Name	Document Location	Last Update	Date Created
e.g. Standard Operating Procedure	e.g. Public Complaint Response Procedure	e.g. Front Reception	e.g. May 2007	e.g. Apr 2001

\*\*\*Note: This log may not contain all the relevant information as required by your Environmental Compliance Approval (**ECA**). Refer to your ECA for your required information. If you already have a log which complies with your ECA then you may not need to use this log.

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**Table 4**

**Ontario Regulation 419/05 Schedule 4 - Target Sectors for 2010**

<b>ITEM</b>	<b>NAICS CODE</b>	<b>NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) DESCRIPTION</b>
1	2122	Metal Ore Mining
2	221112	Fossil Fuel Electric Power Generation <sup>1</sup>
3	324110	Petroleum Refineries
4	3251	Basic Chemical Manufacturing
5	3252	Resin, Synthetic Rubber, and Artificial and Synthetic Fibres and Filaments Manufacturing
6	3311	Iron and Steel Mills and Ferro-Alloy Manufacturing
7	331410	Non-Ferrous Metal (except Aluminum) Smelting and Refining

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Table 5

## Ontario Regulation 419/05 Schedule 5 - Target Sectors for 2013

ITEM	NAICS CODE	NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) DESCRIPTION
1	3221	Pulp, Paper and Paperboard Mills
2	324190	Other Petroleum and Coal Products Manufacturing
3	325	Chemical Manufacturing
4	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing
5	3279	Other Non-Metallic Mineral Product Manufacturing
6	331	Primary Metal Manufacturing
7	332810	Coating, Engraving, Heat Treating and Allied Activities
7.1	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
8	336	Transportation Equipment Manufacturing
9	5622	Waste Treatment and Disposal <sup>1</sup>

<sup>1</sup> In accordance with subsection 1(2) of the Regulation

(a) a fossil-fuel electric power generation facility with a maximum electrical power output capacity of less than 25 megawatts shall be deemed not to be part of the class identified by NAICS code 221112 (Fossil-Fuel Electric Power Generation);

(b) a mobile PCB destruction facility within the meaning of Regulation 352 of the Revised Regulations of Ontario, 1990 (Mobile PCB Destruction Facilities) made under the EPA shall be deemed not to be part of the class identified by NAICS code 5622 (Waste Treatment and Disposal); and

(c) subject to clause (b), a facility shall be deemed not to be part of the class identified by NAICS code 5622 (Waste Treatment and Disposal) unless the facility,

(i) is a solid waste combustor or is used to subject solid waste to another method of thermal treatment, or

(ii) is used for hazardous waste treatment or disposal. O. Reg. 419/05, s. 1 (2); O. Reg. 112/07, s. 1 (3)

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## Glossary

**Abatement:** Abatement is an action that is taken by a facility to achieve compliance that includes education/outreach, warnings and issuance of orders.

**Abatement Plan:** A proposed plan that includes the abatement measures to be undertaken to correct a violation or implement preventive measures. The abatement plan outlines environmental, administrative, and operational measures to be implemented and includes a timeframe for the implementing the plan.

**Adverse Effect:** As defined in [subsection 1\(1\)](#) of the Environmental Protection Act ([EPA](#)), an adverse effect means one or more of: impairment of the quality of the natural environment for any use that can be made of it; injury or damage to property or to plant or animal life; harm or material discomfort to any person; an adverse effect on the health of any person; impairment of the safety of any person; rendering any property or plant or animal life unfit for human use; loss of enjoyment of normal use of property; and, interference with the normal conduct of business.

**Air Dispersion Models:** Air dispersion modelling is the mathematical estimation of contaminant impacts from emissions sources within a study area. As defined in section 6 of the [regulation](#), the following are approved dispersion models for discharges of a contaminant, except as otherwise provided:

- The AERMOD and SCREEN3 dispersion models made available on the Internet by the United States Environmental Protection Agency, as amended from time to time or a copy of that model that is available from the ministry;
- The ASHRAE method of calculation as defined in the regulation; and
- The method of calculation required by Appendix to Regulation 346 if s. 19 applies to the discharge

**Ambient Air Monitoring:** Sampling of outside air.

**Contaminant:** A contaminant is defined as any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect.

**Director:** A person appointed as a Director in writing by the Minister under section 5 of the [Environmental Protection Act \(EPA\)](#).

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**Emission Summary and Dispersion Modelling (ESDM) Report:** The Local Air Quality Regulation (O. Reg. 419/05) imposes concentration-based point of impingement (**POI**) **limits** for **contaminants** and requires the use of approved dispersion models to assess compliance with these limits based on the aggregate emission rate of a contaminant from the facility. Compliance with point of impingement limits is demonstrated through the preparation of an Emission Summary and Dispersion Modeling (ESDM) Report.

An ESDM report includes the following:

- introduction and facility description
- initial identification of sources and **contaminants**
- assessment of whether contaminants and sources can be considered negligible
- operating conditions, emission estimating and data quality assessment
- source summary table and site plan
- dispersion modelling
- emission summary table and conclusions

For a detailed list of ESDM report requirements, please refer to [section 26](#) of the regulation and the [Procedure for Preparing an Emission Summary and Dispersion Modelling Report](#).

**Environmental Activity and Sector Registry (EASR):** The Environmental Activity and Sector Registry (EASR) is a new, online self-registration system. It replaces the current approvals process for specific activities and sectors prescribed in regulation(s) that are considered routine, standard, or well-understood. A person engaging in these activities registers the activity on the EASR. The EASR is accessible through the Service Ontario website at [www.serviceontario.ca](http://www.serviceontario.ca).

**Environmental Procedure for Preparing an Emission Summary and Dispersion Modelling Report Approval (ECA):** As of October 31, 2011, Environmental Compliance Approval (ECA) is the name of the approval that is issued for section 9 and 27 activities under the EPA and s. 53 activities under the OWRA. An ECA replaces a Certificate of Approval (CofA). As such, a CofA are automatically treated as an ECA as of October 31, 2011. It is not required to be replaced.

**Fugitive Emissions:** means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally-equivalent opening.

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**Jurisdictional Screening Level (JSL):** The [Jurisdictional Screening Level \(JSL\)](#) list was developed by the ministry to provide an additional screening tool for Ontario Regulation 419: Air Pollution – Local Air Quality Regulation. This list is intended to be used by any member of the regulated community who is required to develop an Emission Summary Dispersion Modelling (ESDM) report which must include an assessment of all **contaminants** emitted including contaminants with no ministry standards or guidelines.

**Limits:** The generic term “limits” is a broad and encompassing term meaning any numerical concentration limit set by the ministry including: standards defined in the schedules in a regulation, levels set out in the guidelines, and recommended levels for chemicals with no standard or guideline as specified in a legal instrument such as an Environmental Compliance Approval (**ECA**).

**Limited Operational flexibility:** Limited Operational Flexibility was a feature formerly available in a “Comprehensive Certificate of Approval,” allowing the ministry to impose specific terms and conditions in a Certificate of Approval. An **ECA** with Limited Operational Flexibility permits applicants to make some modifications to specifically defined aspects of their facility’s operations or works without having to obtain an amendment to the approval. Limited Operational Flexibility also allows applicants to plan and make changes to their facility in a timely manner, reducing delays that would occur if they had to obtain a new or amended ECA.

**Ministry:** Means Ministry of the Environment, unless otherwise stated.

**North American Industry Classification System (NAICS) code:** The [North American Industry Classification System](#) (NAICS) is maintained for Canada by Statistics Canada, as amended or reviewed from time to time. It is an industry classification system designed to provide common definitions of the industrial structure in North America. A description of the business activities normally captured in a sector categorized by a NAICS code can be found at the [Statistics Canada](#) web site.

**Owner of a pollutant:** Under Part X of the [Environmental Protection Act](#) (EPA), the owner of a pollutant means “the owner of the pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs”.

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**Ozone Depleting Substance (ODS):** Certain chemicals are recognized as ozone-depleting substances (ODS) because they breakdown in the stratosphere and release chlorine or bromine, which destroy the stratospheric ozone layer. Most ODS and refrigerants are also greenhouse gases. Further information on ODS can be found in the [Ontario Regulation 463/10: Ozone Depleting Substances and Other Halocarbons](#).

**Point of impingement (POI):** As described in the Local Air Quality Regulation ([Ontario Regulation 419/05](#)) Section 2(1) “a point of impingement with respect to the discharge of a contaminant does not include any point that is located on the same property as the source of contaminant unless the POI that is located on the same property as the source of contaminant, is a child care facility; or a structure, if the primary purpose of the property on which the structure is located, and of the structure, is to serve as, (i) a health care facility, (ii) a senior citizens’ residence or long-term care facility, or (iii) an educational facility.”

**Pollutant:** A pollutant is a contaminant other than heat, sound, vibration or radiation.

**Point source:** A point source is a single identifiable source that discharges pollutants into the environment. Point sources are typically stacks and isolated vents or other confined process streams. Emissions to air from pollution-control equipment generally fall into this category.

**Provincial Officer:** Any person designated as such under s. 5 of the Environmental Protection Act (**EPA**) or other relevant legislation. A Provincial Officer is a peace officer for the purpose of enforcing the EPA.

**Qualified individual:** A qualified individual is a person having the abilities, qualities or attributes necessary to perform a particular job or task.

**Regulation:** The regulation in this document refers to [Ontario Regulation 419/05](#) – Air Pollution – Local Air Quality (“the Local Air Quality Regulation” or “the regulation”) made under the [Environmental Protection Act](#) unless otherwise stated.

**Spill:** Under [Part X](#) of the Environmental Protection Act (EPA) a spill, when used with reference to a **pollutant**, means a discharge into the natural environment from or out of a structure, vehicle or other container; and, that is abnormal in quality or quantity in light of all the circumstances of the discharge, when used as a verb has a corresponding meaning.

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**Site-specific Standard**: Under the **regulation**, a site-specific standard is a legal limit for a contaminant established for an individual facility that is challenged in meeting a provincial air standard due to technical or economic issues. This compliance approach focuses on actions to reduce emissions to air as much as possible considering the technology that is available and best operational practices. Further information on Site-specific Standards can be found in Ontario Regulation 419/05 and in the [Guideline for the Implementation of Air Standards in Ontario](#).

**Technical Standards**: Under the **regulation**, technical standards are technology-based approaches to managing air emissions. They allow a sector-wide approach rather than a facility-by-facility approach. Sectors are eligible to request a technical standard if there are at least two facilities that cannot meet at least one air standard. Once this criterion is met, the technical standard can include a wide range of **contaminants**, including those without air standards. A technical standard sets out the technical and operational requirements for major sources of air emissions identified in a sector.

**Upper Risk Threshold (URT)**: Upper Risk Threshold (URT) are set out in the **regulation** in [Schedule 6](#) and presented in the ministry document entitled “[Summary of Standards and Guidelines to support Ontario Regulation 419](#)”. An URT is set above the air standard. It can be used to manage risks during the phase-in period of an air standard and is also used during the evaluation of requests for site-specific standards. URTs are not standards. URTs are concentrations, which if exceeded anywhere off property, require timely actions (i.e. immediately notifying the ministry in writing, and submitting an ESDM report for the contaminant that was exceeded within three months). For more information, please refer to [section 30](#) of the Local Air Quality Regulation and to Chapter 3 of the [Guideline for the Implementation of Air Standards in Ontario](#) (PIBS # 5166e02).

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