



# Air Emissions and Water Discharge Compliance Obligations

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# TODAY'S PRESENTERS



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# AGENDA



- Introduction
- Air Permitting in Ontario
- Water Discharges
- Reporting
- Inspections & Investigations
- Notices of Violation and Orders
- Charges
- Questions & Answers



A photograph showing two workers in the foreground, seen from behind, wearing bright orange safety vests with reflective stripes and white hard hats. They are looking towards a large industrial facility in the background. The facility consists of several tall, silver-colored cylindrical storage tanks or distillation columns, interconnected by a complex network of pipes and metal walkways. A tall, white, vertical stack or chimney is also visible. The scene is set against a clear blue sky with some wispy clouds. The ground in the foreground appears to be a flat, open area with some sparse vegetation.

# Air Approvals in Ontario

# PROHIBITION

## ONTARIO ENVIRONMENTAL PROTECTION ACT

*14 (1) Subject to subsection (2) but despite any other provision of this Act or the regulations, a person shall not **discharge** a **contaminant** or cause or permit the discharge of a contaminant into the **natural environment**, if the discharge causes or may cause an **adverse effect**.*





# REGULATORY LANDSCAPE

## Air Emissions

- *Environmental Protection Act* (Ontario)
- Ontario Regulation 419/05 – Air Pollution/Local Air Quality
- Ontario Regulation 1/17 – Activities Requiring Assessment of Air Emissions

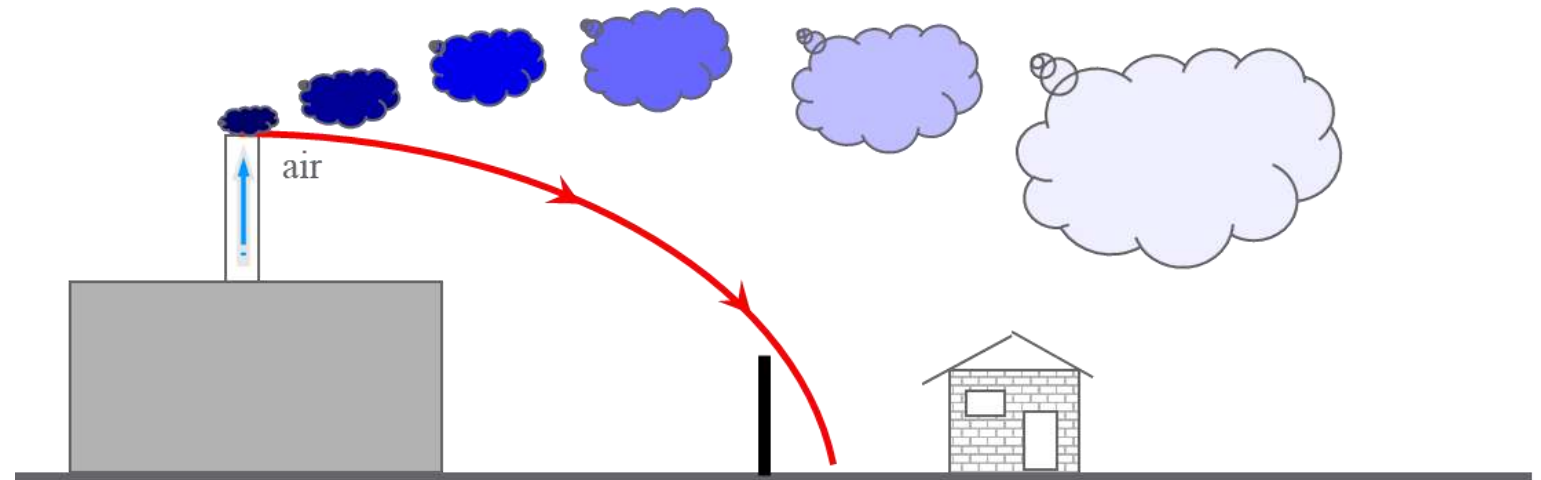


# TYPICAL INDUSTRIAL AIR EMISSIONS



Typical regulated air emissions include those from:

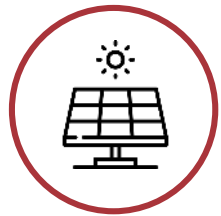
- Chemical process, fume hoods, etc.
- Combustion equipment / cooling tower exhaust
- Noise
- Dust
- Odour



# TYPES OF ONTARIO AIR PERMITS



**Exempt:** Sites that do not need an air/noise approval or Environmental Activity & Sector Registry (EASR).



**Environmental Activity & Sector Registry (EASR):** Simple sites with low risk operations and air emissions.

**Assessed Environmental Activity & Sector Registry (AEASR):** Less complex sites with medium risk operations and air emissions.



**Environmental Compliance Approvals:** Complex sites with high risk operation and air emissions.



# ASSESSED AIR & NOISE EASR



## Required Supporting Documents

- Emissions Summary and Dispersion Modeling (ESDM) Report
- Acoustic Assessment Report (AAR) if required
- Operations, Maintenance & Monitoring Procedures
- Complaints Procedures
- Best Management Practices Plan (BMPP) for fugitive dust (if a source)
- Odour Screening Form and Odour Control Report if screening requires
- BMPP for odour (if screening says so)

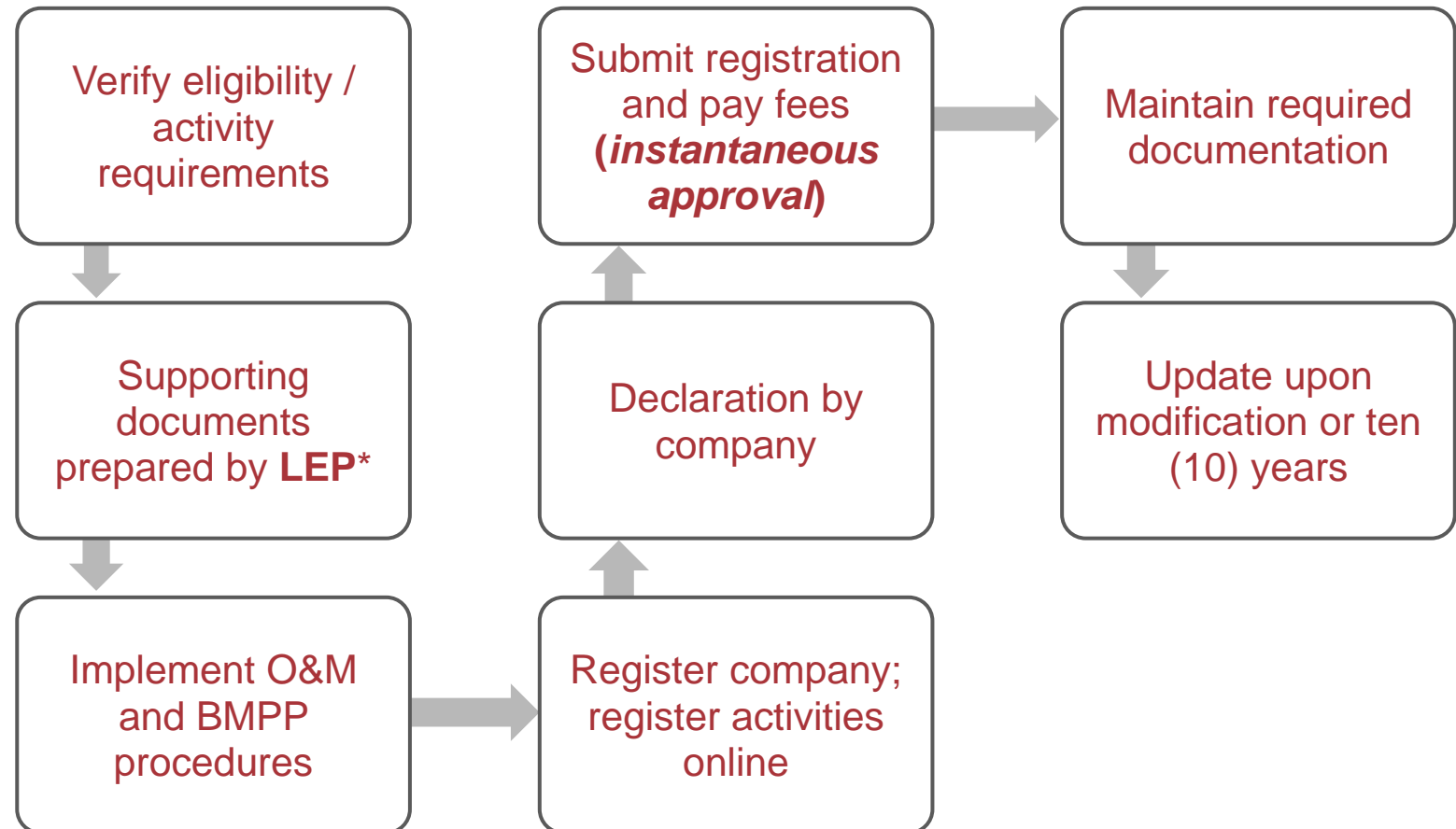
**Benefit is immediate approval and no MECP technical review process.**



# ASSESSED AIR & NOISE EASR



## Process & Timing – Air and Noise

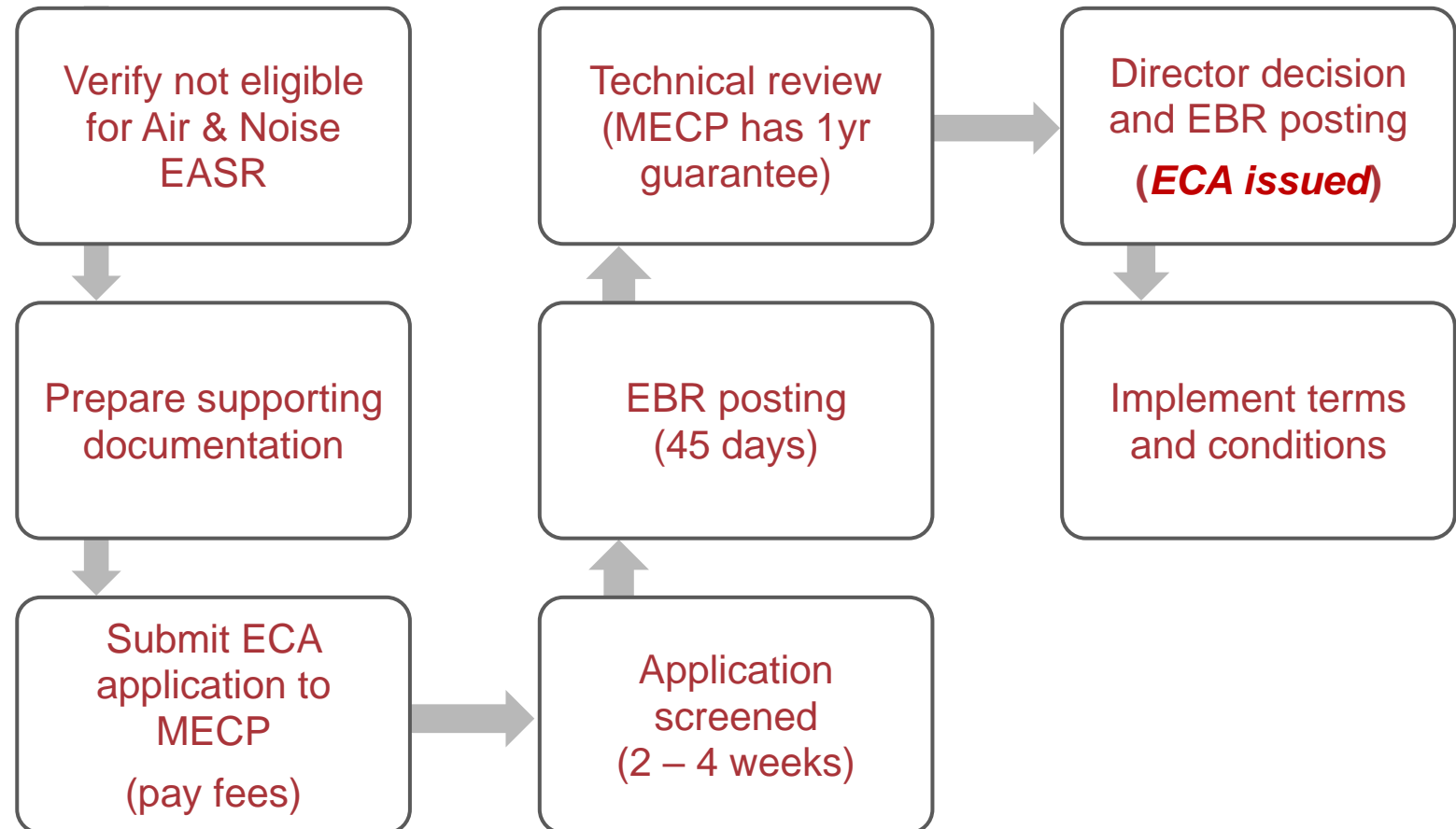


\*Licensed Engineering Practitioner

# ENVIRONMENTAL COMPLIANCE APPROVALS (ECA)

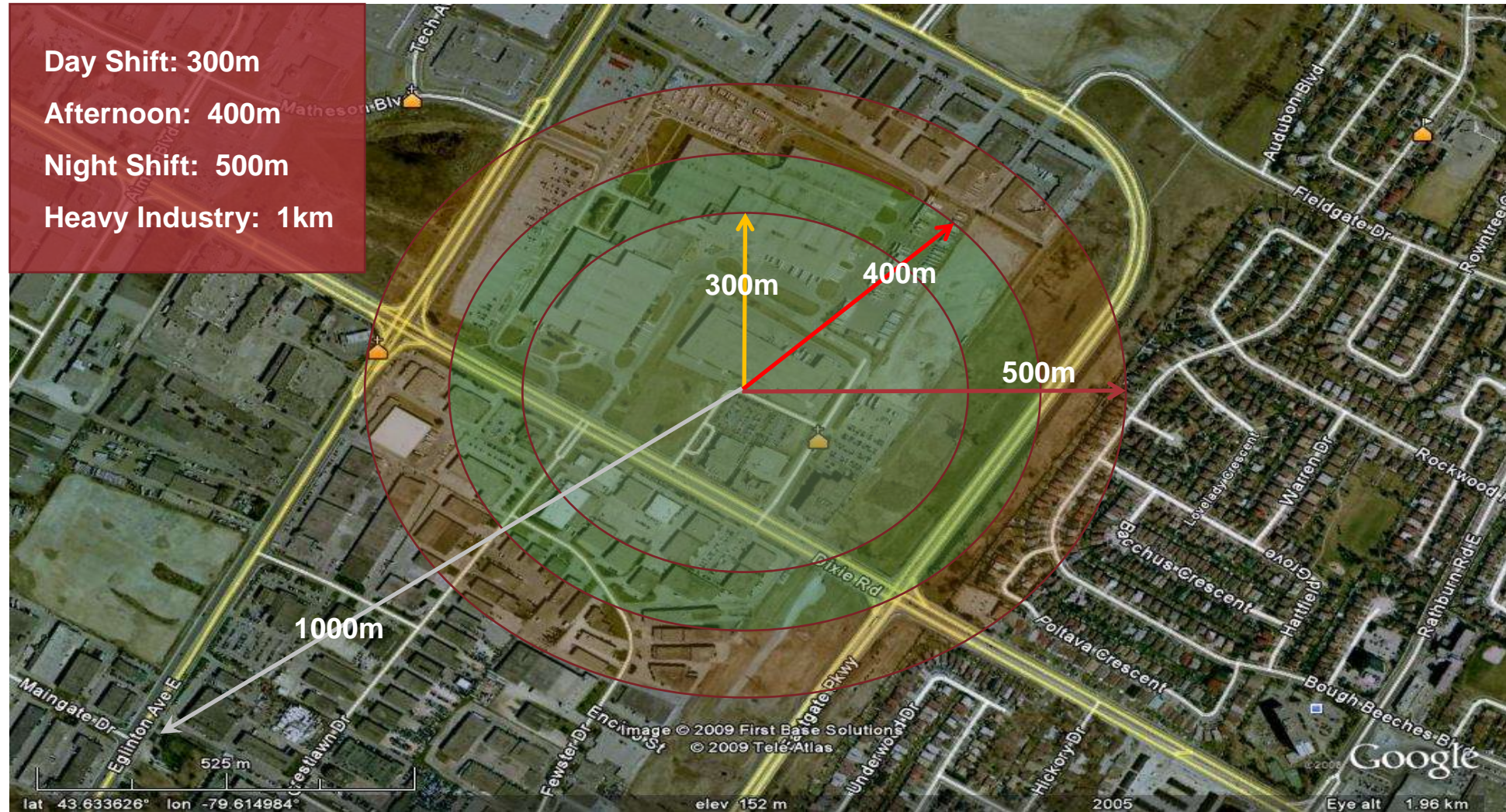


## Process & Timing – Air and Noise





# WHEN IS AN ACOUSTIC ASSESSMENT REQUIRED?





# NOISE SCREENING OR ACOUSTIC ASSESSMENT



2005



2013



Watch for  
receptor  
changes!





# Water Discharges - Natural Environment



# REGULATORY LANDSCAPE

## Water Emissions

- *Environmental Protection Act* (Ontario)
- *Ontario Water Resources Act*
- *Fisheries Act*
  - regulates discharge of contaminants into the natural environment, including waters or on any shore or bank



# SEWAGE APPROVALS

## ONTARIO ENVIRONMENTAL PROTECTION ACT

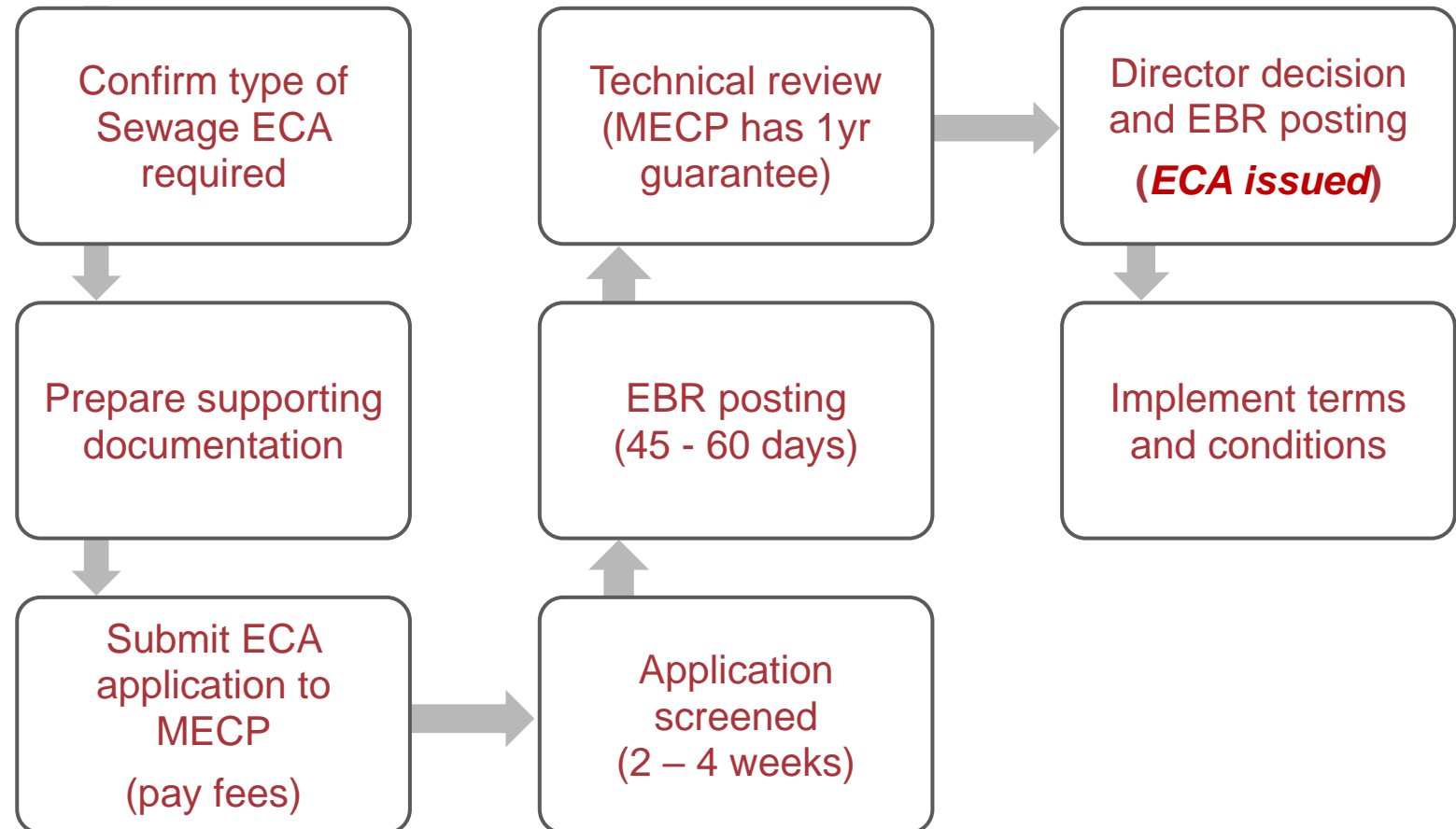
**53 (1)** *Subject to section 47.3 of the Environmental Protection Act, no person shall use, operate, establish, alter, extend or replace new or existing sewage works except under and in accordance with an environmental compliance approval.*



# ENVIRONMENTAL COMPLIANCE APPROVALS (ECA)



## Process & Timing - Sewage







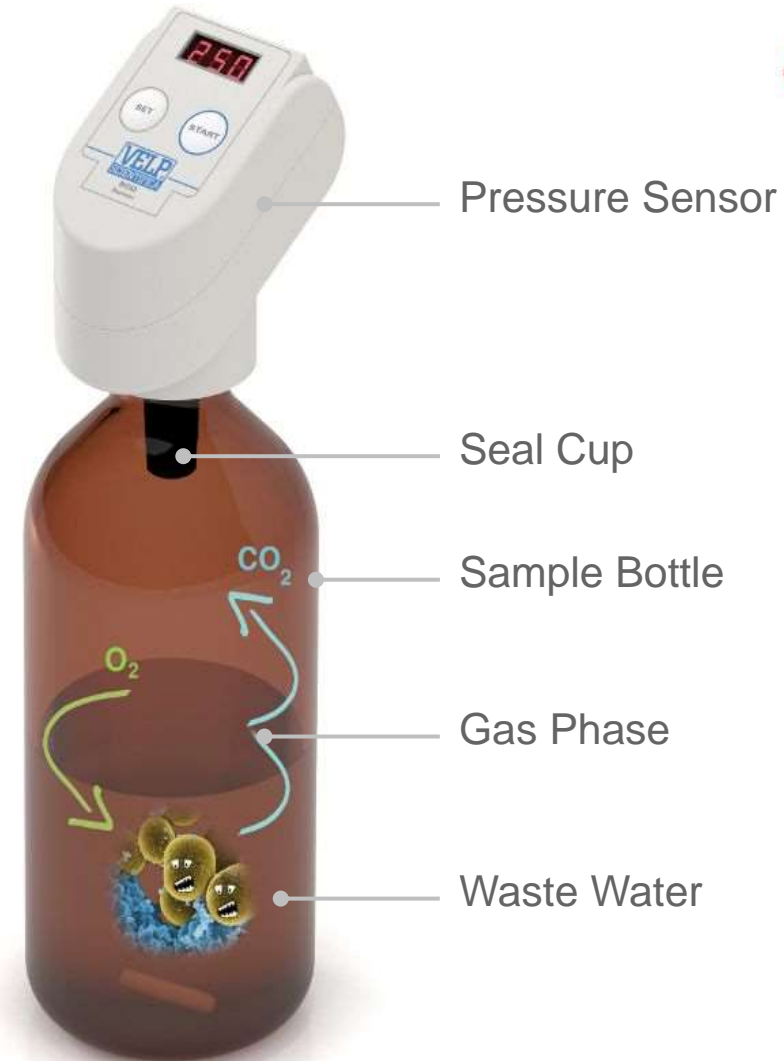
Water Discharges -  
Sewer



# TYPICAL POLLUTANTS

- Biological Oxygen Demand
- Total Suspended Solids
- Phenolics
- Phosphorus
- Oil and Grease
- Nitrogen (TKN or Ammonia)

**Industrial effluent typically contains high levels of these pollutants.**



# PROHIBITED DISCHARGES

## SANITARY & COMBINED SEWERS



Discharges with the following characteristics:

- A pH less than 5.5 or greater than 11.5
- Two or more separate liquid layers
- A temperature greater than 60°C
- Those that have been diluted with water to meet any requirements of the By-Law





# OTHER POLLUTANTS



- Metals (including Hexavalent Chromium)
- Select chlorinated organics
- BTEX
  - TCE
- PAHs
  - Phthalates
- PCBs
  - Pesticides



# SANITARY SEWER DISCHARGE LIMITS



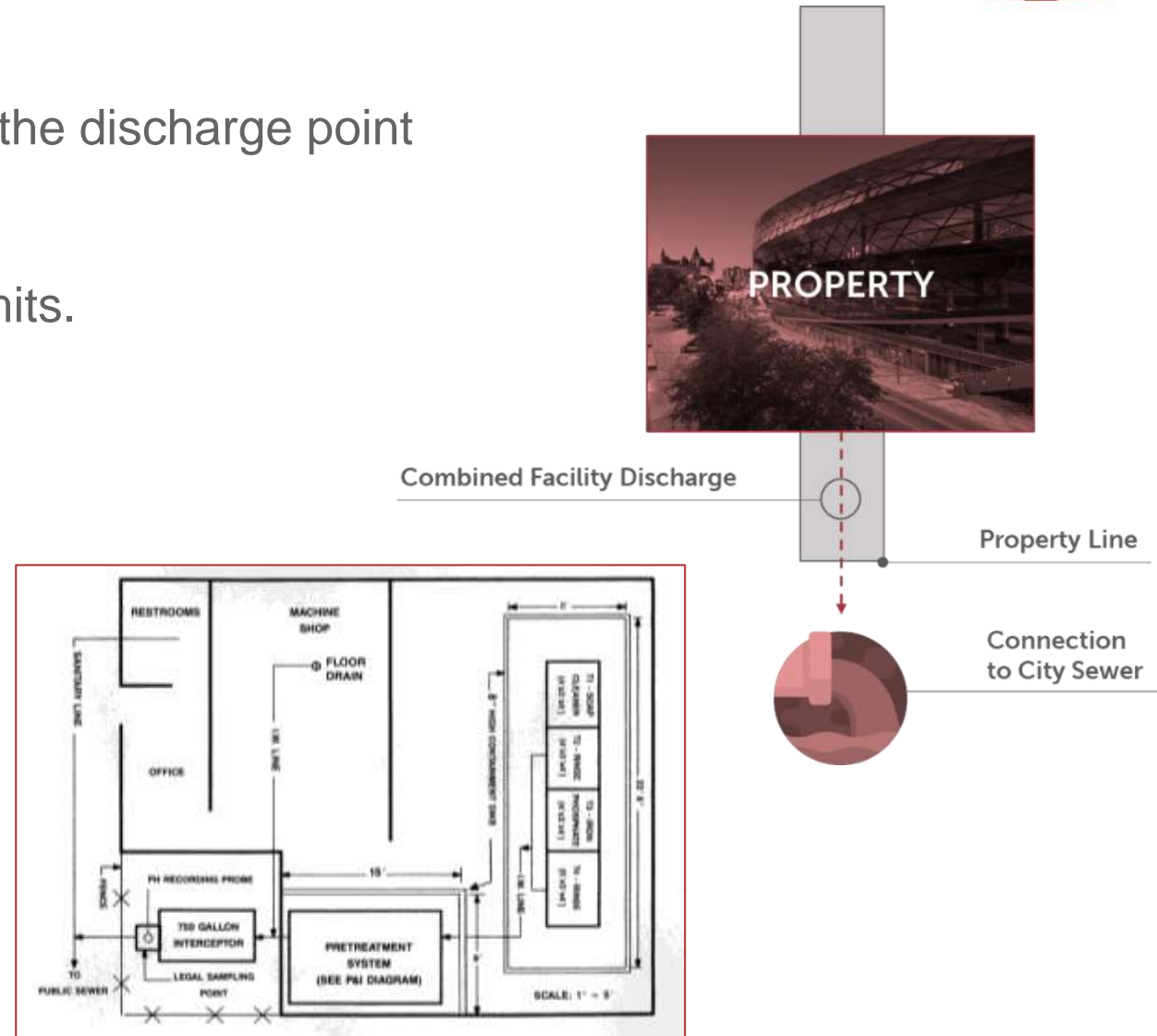
Select By-Law Parameters	Untreated Industrial Wastewater (mg/L)	Limits (mg/L)
Biological Oxygen Demand (BOD)	370 – 7,000	300
Total Kjeldahl Nitrogen (TKN)	15 – 45	100
Oil and Grease (animal and vegetable)	140 – 5,100	150
Total Phosphorous (TP)	8 – 30	10
Total Suspended Solids (TSS)	530 – 3,900	350



## ASSESSING COMPLIANCE



1. Conduct sampling and analysis at the discharge point (property line).
2. Compare results against by-law limits.
3. Report Exceedance to the City.
4. Investigate to determine source (further sampling)



# REQUIRED ACTION FOR NON-COMPLIANCE



5. For surchargeable parameters only; enter into a Compliance Program with the City while reducing discharges to meet limits.
6. Prepare and submit a Pollution Prevention Plan to the City (if requested).





# REQUIRED ACTION FOR NON-COMPLIANCE



7. Reduce or eliminate the discharge by:
  - Source reduction, substitution (highest priority);
  - In-Process Recycling
  - Pre-treatment (using 3<sup>rd</sup> party suppliers); or
  - Off-site disposal (lowest priority)
8. For surchargeable parameters only, enter into a Surcharge Agreement with the City





# Is it a spill or discharge?

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<b>Sewer Use Bylaws</b>	<b><i>Environmental Protection Act</i></b>	<b><i>Environmental Protection Act</i></b>
"spill" means a direct or indirect discharge into the wastewater works, storm sewer or the natural environment which is abnormal in quantity or quality in light of all the circumstances of the discharge	"spill", when used with reference to a pollutant, means a discharge, a) into the natural environment, b) from or out of a structure, vehicle or other container, and c) that is abnormal in quality or quantity in light of all the circumstances of the discharge	"discharge", when used as a verb, includes add, deposit, emit or leak and, when used as a noun, includes addition, deposit, emission or leak



# Watercourse or Sewage Works?





**REGISTERED MAIL**

September 13, 2012

[REDACTED]  
[REDACTED]  
[REDACTED]

Attention: [REDACTED]

**VIOLATION OF TORONTO MUNICIPAL CODE CHAPTER 681 - SEWERS**

File No. [REDACTED]

Notice is hereby given that on the dates noted in the table below, a discharge of matter to the sanitary sewer from premises located at [REDACTED] was sampled and later analyzed. The results are reported in the table below. The requirements of Toronto Municipal Code Chapter 681-2A(4) are indicated in the column titled By-law Limit.

**RESULTS OF ANALYSIS**

Sample ID	Sample Location Name	Date	Parameter	Conc.	Unit	By-law Limit	Unit
400063152	[REDACTED]	19-Jun-12 9:23 am	TOTAL PHOSPHORUS	13.5	mg/L	10	mg/L
400063153	[REDACTED]	19-Jun-12 9:23 am	TOTAL KJELDAHL NITROGEN	138	mg/L	100	mg/L

Please be advised that a conviction of an offences under § 681-2, 681-3 or 681-4 can result in a fine of not more than \$50,000 for first offence and \$100,000 for second offence for an individual and not more than \$100,000 for a corporation pursuant to s. § 681-14. It is requested that you investigate and rectify this problem immediately.

In the case of a continuing offence, every person who contravenes any of the sections in this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of the sections in this chapter, upon conviction, shall be liable to a fine of not more than \$10,000 for each day or part day that the offence continues and the total of all of the daily fines for the offence shall not be limited to \$100,000.

You are now required to investigate the cause of this occurrence and advise this department in writing within thirty (30) days (please reference the File Number), what you propose to do to avoid further occurrences or to otherwise comply with the requirements of the Toronto Municipal Code, Chapter 681, Article I.

If you have any questions, please call Dhiren Barot at 416-392-9969 or dbarot@toronto.ca.

“Notice is hereby given that on the dates noted in the table below, a discharge of matter to the sanitary sewer from premises located at \_\_\_\_\_ was sampled and later analyzed. The results are reported in the table below. The requirements of Toronto Municipal Code Chapter 681-2A(4) are indicated in the column titled By-Law Limit.



Results of analysis



Fine information under the bylaw



Requirement to investigate and advise Toronto Water of proposal within 30 days



To  
À  
of  
de/du

Whereas you have been charged before me that you,  
Attendu que vous avez été accusé(e) devant moi d'avoir

on or about the / le ou vers le 15th day of / jour de December, yr. / an 2015 at / à or

did commit the offence of / commis l'infraction suivante  
discharging directly or indirectly or depositing or causing or permitting the discharge or deposit of Total Kjeldahl Nitrogen (TKN), in excess of 100 milligrams per litre; into a sanitary sewer, combined sewer, municipal or private sewer connection to any sanitary sewer or combined sewer

← Offense

contrary to / contrairement à City of Toronto Municipal Code Chapter 681 section 2(A)(4)  
article

← Provision under bylaws

THEREFORE YOU ARE COMMANDED IN HER MAJESTY'S NAME TO APPEAR BEFORE THE ONTARIO COURT OF JUSTICE  
À CES CAUSES, VOUS ÊTES SOMMÉ(E), AU NOM DE SA MAJESTÉ, DE COMPARAÎTRE DEVANT LA COUR DE JUSTICE DE L'ONTARIO  
at / à Old City Hall, 60 Queen St. West, Toronto, Ontario in the Toronto District  
à (au)

← Court appearance information

on the / le 24th / day of / jour de , 20 , at / à (time / heure) :m. h.  
at / à #N Court, 160 Queen Street West, Toronto, ON M  
à (courtroom / salle d'audience)

and to appear thereafter as required by the court to be dealt with according to law.  
et de comparaître par la suite selon les exigences du tribunal, afin d'être traité(e) selon la loi.

Issued at / Toronto  
Délivré à /  
this / ce 8<sup>th</sup> / day of / jour de June, 20 16.

  
Judge or Justice of the Peace in and for the Province of Ontario  
Juge ou juge de paix dans et pour la province de l'Ontario

← Date issued and signature of Judge or Justice of the Peace

**NOTICE TO DEFENDANT**

You may appear personally, or by agent or counsel.

If you do not appear:

- a) the court may issue a warrant for your arrest, or
- b) your trial may proceed in your absence and evidence be taken, and
- c) if you are convicted, you could be sentenced in your absence, and
- d) depending on the offence of which you have been convicted, you could be sentenced to jail and a warrant issued for your arrest.

If you do appear:

- a) the trial may proceed, or
- b) you, or the prosecutor, may ask the court to adjourn your case to another date. The court may grant or refuse such a request.

**REMARQUE à la partie défenderesse :**

Vous pouvez comparaître personnellement, par mandataire, ou par un avocat.

Si vous ne comparez pas :

- a) le tribunal peut émettre un mandat d'arrestation à votre encontre,
- b) votre procès peut se dérouler en votre absence et des témoignages être pris,
- c) si vous êtes reconnu(e) coupable, votre peine pourrait être prononcée en votre absence,
- d) selon l'infraction pour laquelle vous avez été condamné(e), vous pourriez recevoir une peine d'emprisonnement et un mandat d'arrestation pourrait être émis à votre encontre.

Si vous comparez :

- a) le procès peut être tenu ; ou
- b) vous pouvez, vous ou le poursuivant, demander au tribunal un ajournement. Le tribunal peut accorder ou refuser cette demande.

← Consequences of not appearing

FOR INFORMATION ON ACCESS  
TO ONTARIO COURTS  
Pour plus d'information sur l'accès  
aux tribunaux de l'Ontario  
1-800-387-4438  
Toll-free 1-800-387-4438



POUR PLUS DE RENSEIGNEMENTS SUR L'ACCÈS  
DES PERSONNES HANDICAPÉES  
Aux tribunaux de l'Ontario, contactez le  
1-800-387-4438  
Numéro de toll-free 1-800-387-4438

# Fines

	Corporations	Individuals
Sewer Use Bylaws	First and subsequent offence: up to \$100,000 Continuing offence: up to \$10,000/day	First offence: up to \$50,000 Subsequent offence: up to \$75,000 (or \$100,000 for certain offences) Continuing offence: up to \$10,000/day
EPA & OWRA	First offence: \$25,000 - \$6,000,000/day Subsequent offence: \$100,000 - \$10,000,000/day	First offence: \$5,000 - \$4,000,000/day and/or imprisonment up to 5 years Subsequent offence: \$20,000 - \$6,000,000/day and/or imprisonment up to 5 years

- **Mandatory 25% victim fine surcharge for fines over \$1,000**



# Questions?

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