

# REPORT

## PLANNING SERVICES

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**Meeting:** GENERAL PURPOSE AND ADMINISTRATION COMMITTEE

**Date:** July 5, 2010                      **Resolution #:**                      **By-law #:** N/A

**Report #:** PSD-088-10                      **File #:** PLN 17.1.5

**Subject:** REQUEST FOR AIR QUALITY BY-LAW

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**RECOMMENDATIONS:**

It is respectfully recommended that the General Purpose and Administration Committee recommend to Council the following:

1. THAT Report PSD-088-10 be received for information.
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Submitted by:   
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Acting Director of Planning Services

Reviewed by:   
Franklin Wu,  
Chief Administrative Officer

FL/df  
25 June 2010

## **1.0 PURPOSE**

1.1 At the March 1<sup>st</sup> meeting of Council a report was requested:

“That Correspondence Item D-10 from Kerry Meydam, with respect to an Air Quality By-law, be referred to staff for a report back within a reasonable timeframe.”

1.2 Council was not specific as to what aspect of the by-law they were requesting staff to report back on, as such staff are providing an information report on the ramifications of enacting such a by-law.

## **2.0 BACKGROUND**

2.1 Air Quality is typically regulated by the Provincial and Federal governments; however there are presently no regulatory standards for fine particulate matter (fine PM) emissions or ambient levels.

2.2 In February of this year, the Town of Oakville passed a by-law that attempts to regulate the emission of fine PM. They did so relying upon the powers given to municipalities under the Municipal Act, 2001 to regulate the “health, safety and welfare of persons” and “public nuisances”. These are the same powers that many Ontario municipalities used to adopt by-laws addressing second hand smoke and pesticides. Eventually the patchwork of municipal by-laws throughout Ontario led the Province to address second hand smoke and the use of cosmetic pesticides on a provincial basis.

2.3 The Oakville Air Quality By-law is aimed specifically at protecting the health of Oakville residents from the effects of fine PM by collecting information on emissions from facilities within Oakville and implementing regulatory controls.

2.4 The Region of Durham Health Department leads, manages and delivers public health programs and services for the Region. To date, the Health Department has been the lead agency on health issues and effects as they have the expertise to advise on, and are the legislative authority to impose restrictions on health related issues.

## **3.0 CONSULTATION REQUIRED FOR AN ENFORCEABLE BY-LAW**

3.1 A component of the development of any by-law is consultation with the general public. In this case it would be necessary to consider the implications for residents and existing businesses. A process involving these groups that would adequately address their issues and concerns for the development of a by-law would have to be proposed. The consultation process should be developed such that it could withstand a potential challenge to the by-law.

## **4.0 RETENTION OF A QUALIFIED CONSULTANT**

4.1 Air quality is not an area of expertise that the existing municipal staff has as a specialty. The air quality comments and issues that have been raised and addressed as part of environmental assessments have been part of the peer review consultant's

responsibilities that have been retained by the Municipality. It may also be necessary to retain a consultant to help develop guidance documents for general assessment and air modeling prior to drafting a by-law; to determine a baseline, sources of emissions of health risk air pollutants and an atmospheric dispersion model to map what is happening in the affected airshed is necessary.

## **5.0 HEALTH ISSUES RELATED TO AIR QUALITY ISSUES**

- 5.1 Air Quality is a combination of many factors, there are the contributions of emissions from industrial sources; however, a large percentage of air quality issues come from either vehicle emissions or from beyond our borders. The pollutants being funneled into our air shed from outside sources are beyond our control. The long-range transport of pollutants from other sources, especially during smog events contribute significantly to the health effects that may or may not appear in residents.
- 5.2 There is considerable scientific evidence of serious impacts to human health associated with exposure to fine particulate matter. Understanding when, where and how people are exposed to fine particulate matter and/or "precursor pollutants", namely substances which, when emitted into the air, produce fine particulate matters is challenging.

## **6.0 ENFORCEMENT**

- 6.1 Should Council wish to pass an air quality by-law, the by-law would have to be enforced. In the case of Oakville's By-law there is an application fee which is intended to cover the administration and peer review costs for the approval of applications from existing and proposed facilities.
- 6.2 In addition, there is the possibility that new staffing and budget allocations would be necessary for the enforcement of the by-law, including periodically retaining peer reviewers, air quality modelers and assigning staff to carry out education and outreach to support by-law implementations and data management.

## **7.0 OTHER INITIATIVES**

- 7.1 The Municipality may have greater impact on air quality issues through other avenues than an air quality by-law such as the implementation of transit initiatives, smart commute programs and other sustainable development measures.
- 7.2 Since 2003, the Municipality has been a member of the Greater Toronto Area Clean Air Council (GTA CAC). As part of this initiative the Municipality is working with the other member municipalities on air quality issues, participating in the annual Smog Summit, Clean Air Partnership and signing the declaration of actions and commitments.

7.3 The Green Community Strategy and the Municipal Energy Management Plan both of which were endorsed by Council at the June 28<sup>th</sup> meeting have initiatives within them that will contribute to better air quality when they are implemented.

## 8.0 CONCLUSIONS

8.1 Should Council wish staff to draft an air quality by-law based on the health impacts of fine particulate matter, specific direction should be provided for a budget estimate to be obtained for consideration during the 2011 budget deliberations.

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Staff Contact: Faye Langmaid

Interested Parties: Kerry Meydam