

<http://www.insidehalton.com/news/article/604316--town-passes-air-quality-by-law>

Ian Holroyd - **North Oakville Today**  
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## Town passes air quality by-law

There must have been something in the air at Town Hall, triggering coughing fits among councillors and spectators alike.

Whether it was psychosomatic or simply a tickle in the throat, it didn't stop Town Council from unanimously passing their air quality by-law Monday night.

According to the Town, the purpose of this bylaw, the first of its kind in Ontario, is to protect the health of Oakville residents from the effects of fine particulate matter (PM), airborne particles less than 2.5 microns in size.

"This is not an air pollution by-law," said Rodney Northey, the Town's external specialist of environmental law. "It is a protect public health by-law from the effects of air pollution."

The by-law will accomplish its goal through a process of collecting information on emissions from facilities within the town as well as through implementing an approval process for major emitters of health risk air pollutants.

"As indicated in the report, there is considerable scientific evidence of serious impacts to human health associated with exposure to fine PM," said Town Solicitor Douglas Carr. "And the community has long expressed concerns with our air quality."

The annual average level of PM in Oakville is 10 micrograms per cubic meter, roughly 12 in the summer and eight in the winter. This is a combination of long-range sources and local sources including vehicular, industrial and residential.

According to the Illness Cost of Air Pollution Model, based on the Town's annual concentration, there will be 80 premature deaths in Oakville attributed to PM2.5.

If this bylaw reduces the concentration by even one microgram on average annually, the model suggests that there will be eight fewer deaths in Oakville from PM2.5.

The Town was given the authority to pass such by-laws through the Municipal Act, 2001. This allows the Town to pass legislation that identifies public nuisances as well as protect the health, safety and wellbeing of its citizens as long as it does not conflict with provincial law.

Given that the province and the federal government have yet to regulated PM2.5, the Town has the right to go ahead and create their own solution.

The by-law applies to anyone who owns or operates a facility located in the town that may emit at least one health-risk air pollutant.

Under the by-law, facilities are defined as those that contain more than 25 dwelling units or a commercial business or institutional site or location that is more than 0.1 hectares in size.

The by-law has two process by which to track harmful air emissions: reporting and approval.

The reporting process of the bylaw asks proposed or existing facilities that emit at least one health-risk air pollutant–PM2.5 or precursor pollutant–to advise the Town in writing. This is a one-time report unless the facility changes its operations, affecting its emission rates.

If a facility, existing or proposed, is determined to be a major emitter then it is subject to the approval process. A major emitter is defined as a facility which emits at least one of the following compounds: more than 300 kilograms of fine PM per year, more than 10,000 kilograms of volatile organic compound per year, more than 20,000 kilograms of nitrogen oxides per year, more than 20,000 kilograms of sulphur dioxide per year and more than 10,000 kilograms of ammonia per year.

The approval process consists of a peer review of a facility's application to the Town. This process is subject to a \$25,000 fee made payable to the Town by certified cheque: \$5,000 for administration costs and \$20,000 to carry out the peer review.

The Town, however, does reserve the right to approve a major emitter based on whether or not Council deems it in the public interest to do so.

When it came time to vote, Councillors threw their support behind the by-law, which sets a new standard in municipal environmental health initiatives.

"We have federal and provincial thresholds but we have no regulations to improve our air quality, therefore it is incumbent on this council to step in and regulate fine PM," said Ward 1 Regional and Town Councillor Alan Johnston, adding, "Once again it falls to the municipalities to lead the way."

For existing facilities, the bylaw will be rolled out over a six-month or a twelve-month period, depending on whether or not they have a provincial Certificate of Approval for air. This will allow the Town time to consult with those affected. Proposed facilities are required, however, to adhere to the bylaw immediately.

**For more information regarding the air quality by-law, visit [www.oakville.ca](http://www.oakville.ca).**