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## Oakville passes air quality bylaw

A new bylaw aimed at making Oakville's air easier to breathe has received unanimous approval from local politicians.

The town's new Health Protection Air Quality bylaw puts air-polluting industries on notice that the Town may not be a welcoming new home. It also makes Oakville the first Ontario jurisdiction to regulate fine particulate matter.

"Oakville is a community that leads," said Ward 6 councillor Max Khan. "I'm very, very certain that other municipalities will follow, as will the province eventually."

Under the new rules, Town councillors will have the right to reject incoming new industries judged to be major emitters of pollutants that cause unacceptable health impacts. The Town will also be able to deem existing industries and facilities that are major pollution emitters as "public nuisances" and refuse them approval to continue to operate unless they cut emissions.

However, the Town did modify the bylaw slightly as a result of a meeting last month that saw business representatives soundly criticize the proposal.

The approved bylaw will now require all facilities that emit fine particulate matter (airborne particles less than 2.5 microns in size), or other pollutants, which produce fine particulate matter, to make a one-time report of emission levels to the Town.

There will be no cost to the reporting, and further reporting need only be done if there are changes in emissions.

Facilities deemed "major emitters," based on standards determined by the National Pollutant Release Inventory (NPRI), will be required to go through a \$25,000 town approval process. Along with all emissions from the facility, the process will look at the dispersion of the pollutants and assess the public health risks associated. The Town will hire professionals to review data provided by the facility and council will determine whether to grant or refuse approval.

Existing facilities that agree to develop a five-year plan leading to a 25 per cent reduction in emissions will be given approval to continue to operate. Those that do not agree to a reduction plan will need to convince Town council that there is a public interest in allowing them to continue to operate despite their emissions.

Town staff estimate there are probably 10 or 15 facilities in town likely to be classified as major emitters.

Consultant Rodney Northey, an environmental law specialist hired to advise the Town, noted that those companies will already be collecting emissions data and dealing with approval processes.

"There should be no surprises to a major emitter because they are already reporting under NPRI," he noted.

Oakville facilities - which can include institutions and large apartment buildings, along with corporations - that currently operate under a provincial Certificate of Approval (CofA) for air quality emissions will be required to report their emissions in six months. Emitters that are not operating under a CofA will not be required to report for the first year of the bylaw.

Town CAO Ray Green told councillors that the cost to administer the first year of the bylaw will probably be in the neighbourhood of \$75,000 to \$100,000, but could be double that, depending on the public education component planned. He added that he is unsure of ongoing costs.

"To some degree this is like the pesticide bylaw and the private tree bylaw," said Green. "What we'll do is develop options for council."

Cindy Toth, the Town's director of environmental policy, told councillors that fine particulate matter, which is small enough to be breathed into the lungs and even absorbed into the bloodstream, causes about 80 premature deaths each year in Oakville.

The message was reinforced by Northey, who emphasized that there is no safe level for fine particulate matter pollutants.

"Those numbers are as firm as anything you can find," he said. "Any level of increase in fine particulate matter is associated with some increase in the death rate and any level of decrease is associated with some decrease."

John Sawyer, president of Oakville Chamber of Commerce, said the chamber supports initiatives to improve air quality and air quality standards, but doesn't believe the Town should be doing the regulation.

"We're not in support of municipal regulation of the airshed," he told councillors. "This type of regulation should be mandated by the province in a process that would affect all jurisdictions equally."

Sawyer suggested the new bylaw will be expensive for businesses and ineffective in reducing air pollution. He is also afraid it will put Oakville companies at a competitive disadvantage, create an uncertain business climate and make it difficult to attract new companies to town.

"You want to catch a large tuna, but you'll kill a lot of dolphins in the process," he said, in what appeared to be an oblique reference to Town council's ongoing battle to keep TransCanada's proposed gas-fired power plant out of Oakville.

The bylaw did receive support from representatives of Oakvillegreen, C4CA (Citizens for Clean Air) and two local residents groups that spoke at the council meeting.

While local politicians may be the first in the province to try to improve air quality through a bylaw, a number of councillors expressed confidence that the province will eventually follow their lead, as it did with smoking and pesticide regulations.

Fine particulate matter is currently regulated at the provincial level in British Columbia, Alberta, Saskatchewan, Manitoba and Newfoundland, as well as in all American states.

"We can't rest on our laurels with this because this is only one small tool in a very large toolbox to deal with our toxic airshed," said Ward 5 councillor Jeff Knoll. "This is a much bigger problem than we can solve on our own."