

*While every effort will be made to ensure the accuracy of the information and responses provided, such information or responses should not be construed as, nor does it constitute, legal or technical advice and should not be relied on as such. Information or responses provided to you may not be applicable to your facility's specific circumstances. It is recommended that you consult with an engineer, a consultant, a lawyer and/or any other appropriate professionals for technical, legal and professional advice and professional assurance that the information provided to you, and your interpretation of it, is appropriate to your particular situation and is in accordance with regulatory requirements. It is important to note that in the event of conflict between the information provided in response to an inquiry and the requirements contained in Ontario Regulation 419/05 or any other applicable law, then the regulatory requirements and/or law will prevail.*

## **REGULATION 419/05 FREQUENTLY ASKED QUESTIONS AND ANSWERS (ROUNDS 1 & 2 – MARCH 17, 2006)**

No.	Question	Answer	Date Answered
<b>General – Interpretation and Application</b>			
1 - 1	When does O. Reg. 419/05: Air Pollution – Local Air Quality come into force?	O. Reg. 419/05 came into force on November 30, 2005.	2005/12/08
1 - 2	How does O. Reg. 419/05 affect “new” facilities?	<p>There are a number of provisions in O. Reg. 419/05 that apply specifically to "new facilities". Although the regulation does not define the term ‘new facilities’, it does refer to facilities where construction of the facility began after November 30, 2005 and no application for a s.9 Certificate of Approval (air) was made on or before that date.</p> <p>If a facility meets these two requirements, it will be considered ‘new’ and certain provisions in the regulation will apply. These include: specifying modelling stack height (s.15), having Schedule 3 standards and US EPA models apply starting November 30, 2005 if the new facility is in a sector listed in a Schedule 4 or 5 (s.20), annual ESDM report updates for those new facilities that belong to sectors listed in Schedules 4 or 5 (s.25), consideration of an alternative standard for contaminants listed in Schedule 7 for a new facility (s.32(1)4. and (8)).</p>	2005/12/08

No.	Question	Answer	Date Answered
		<p>For clarity, the concept of “new facility” does not refer to a modification or expansion of a facility; nor to the installation of a new process or stack at an existing facility.</p>	
1 - 3	<p>Will there be training courses offered on implementation of the new O. Reg. 419/05? If so where and on what dates will the training be offered?</p>	<p>MOE staff continue to be invited to present at various conferences and venues. Please search for information sessions in your area. MOE has often done joint information sessions with the Air and Waste Management Association (AWMA). Their Ontario Chapter website is: <a href="http://www.awma.on.ca/">http://www.awma.on.ca/</a>.</p>	2006/03/10
1 - 4	<p>Has there been any clarification on the concept of “new facility” in O. Reg. 419/05? For example, would an existing facility that relocates to another building be considered new?</p>	<p>Although O. Reg. 419/05 does not define the term ‘new facility’, it does refer to facilities where construction of the facility began after November 30, 2005 and no application for a s.9 Certificate of Approval (air) was made on or before that date.</p> <p>A facility may be considered “new” if it has moved to a different location and the majority of the sources of contaminant (to air) are new. As set out in s.20, new facilities in Schedules 4 and 5 are required to use the US EPA models listed in s.6(2). See also Question 1-2.</p>	2006/03/10
1 - 5	<p>If a facility has existed for 10 years, never had a CofA, and is in Schedule 5, would it be considered "new" under O. Reg. 419/05? What models would it be required to use if it applied for a Certificate of Approval?</p>	<p>It is an offence not to have a Certificate of Approval as required by s.9 of the Environmental Protection Act.</p> <p>The language in the regulation is conjunctive: construction of the facility must have begun after November 30, 2005 and there must not have been an application made for a s.9 Certificate of Approval (air) on or before that date. See s.18, s.19 and s.20.</p> <p>In the example, construction started prior to November 30, 2005, therefore the first part of test is not met. See Table 5.2 regarding which models are required to be used.</p>	2006/03/10

No.	Question	Answer	Date Answered
<b>Adjacent Properties &amp; Multiple Discharges</b>			
2 - 1	Section 3(1) Multiple Discharges; please give an example of this application.	All discharges of a contaminant from a facility must be considered in aggregate. For example, if your facility has three sources emitting contaminant X, they must be combined for the purposes of modelling and compliance assessment.	2005/12/08
2 - 2	If I combine properties with my neighbour, can we continue to each do separate ESDM report?	<p>No. Section 3 states that "two or more discharges of a contaminant from two or more different sources of contaminant shall be deemed to be a single discharge if the sources of contaminant are all located on the same property".</p> <p>If a facility chooses (or is required by notice) to combine properties with a neighbouring facility under s.4 of O. Reg. 419/05, s.3 of O. Reg. 419/05 requires that all sources from the combined property be assessed in aggregate. Therefore, the two facilities must produce a joint ESDM report.</p>	2005/12/08
2 - 3	What is the "property" referred to in s.2 of O. Reg. 419/05 for a facility located within another facility?	<p>The answer will vary according to the circumstances of the case, but in general terms, section 2 states that a point of impingement (POI) is any point off-property. Therefore a facility within another facility would have to establish compliance at points immediately outside of its property (i.e. on the other facility's property).</p> <p>If the two property boundaries are touching (as they would if a property is within another property) and the facilities share "raw materials, products or services", section 4 states that the properties may be deemed to be a single property. If all of the requirements of section 4 are met, both facilities would have to establish compliance for the impact of their combined air emissions outside of the combined property boundary (i.e. at all points of impingement as defined in s.2 of O. Reg. 419/05).</p>	2005/12/08
2 - 4	If I combine properties with my neighbour in accordance with s.4 of O. Reg. 419/05 and my neighbour	Yes. Subsection 3(1) states that "two or more discharges of a contaminant from two or more different sources of contaminant shall be deemed to be a single discharge if the sources of	2005/12/08

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	<p>increases production such that there is an exceedence outside of the combined property boundary, can my facility be held responsible?</p>	<p>contaminant are all located on the same property". Therefore, if two properties have combined under s.4 to use a combined property boundary, discharges from both facilities must be considered in aggregate.</p> <p>Subsection 3(2) goes on to say that in such a case the discharge will be deemed to have been discharged jointly by those persons. Therefore, either facility can be held responsible for an exceedence. In general, joint and several liability means that where more than one person is liable, each person may be held liable for the entire amount of liability.</p>	
2 - 5	<p>Could you provide some examples of when s.4 may be used?</p>	<p>Whether the requirements of s.4 are met will depend on the circumstances of each case. Some scenarios where s.4 might be considered include cases where:</p> <ul style="list-style-type: none"> <li>• a facility leases space to another facility (which is integral to the operation of the other facility) within its property boundary;</li> <li>• a reorganization of a company results in two separate "paper" facilities that share processes;</li> <li>• bankruptcy results in a receiver splitting plant assets into two facilities that share processes;</li> <li>• there is an adjacent power producer providing power to a facility;</li> <li>• two adjacent properties enter into an agreement to provide each other with common services and to shut down some existing equipment on the respective sites.</li> </ul>	2006/03/10
2 - 6	<p>Assume my company and an adjacent property are able to combine properties under s.4 of O. Reg. 419/05. Can we select only some common contaminants to include in the common ESDM report?</p>	<p>Section 26 of O. Reg. 419/05 requires the ESDM report to account for "all contaminants that are discharged from the property". Because the two properties have been deemed to be a single property under s.4, the combined ESDM report must include all contaminants from the combined property.</p>	2006/03/10

No.	Question	Answer	Date Answered
<b>Dispersion Models - Technical Questions</b>			
3 - 1	I have a modelling interface that can be used with the AERMOD model. Does O. Reg. 419/05 allow me to use this modelling interface?	<p>In order to comply with O. Reg. 419/05 you must model using an "approved dispersion model". Section 6 states, among other things, that an approved dispersion model is "the AERMOD dispersion model 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."</p> <p>If the software is merely an interface that does not interfere with the model itself, the use will be permitted under the regulation. However, any software that alters an approved dispersion model in any way must be submitted to the Director so that the issuance of a Notice pursuant to s. 7 may be considered. The use of such software would not be permitted for compliance assessment unless a Notice pursuant to s. 7 is issued.</p>	2005/12/08
3 - 2	Section 7 Specified dispersion models; please clarify this section of O. Reg. 419/05 [focus on subsections (3) and (7)].	Subsection 7(3) states that the Director can add and subtract models to the list of approved models found in section 6. This new expanded/contracted list of models will become the "approved dispersion model(s)" for that facility for the purposes of the regulation. Subsection 7(7) states that if using the specified model demonstrates compliance, the phase-in periods specified in subsection 7(5) do not apply.	2005/12/08
3 - 3	Do all of the modelling results from a model run of the USEPA models need to be considered for compliance purposes?	Chapter 6.6 of the Air Dispersion Modelling Guideline for Ontario (ADMGO) ( <a href="http://www.ene.gov.on.ca/envision/gp/5165e.pdf">http://www.ene.gov.on.ca/envision/gp/5165e.pdf</a> ) outlines a process whereby some modelling results may be removed based on meteorological anomalies. O. Reg. 419/05 does not specifically address the exclusion of modelling results. In general, the processes outlined in Chapter 6.6 of the ADGMO will be acceptable to the Ministry; however, this issue would be the subject of the Director's discretion.	2005/12/08

No.	Question	Answer	Date Answered
3 - 4	Please provide clarification on subsection 14(2).	Subsection 14(2) requires that the bounds of the modelling grid are set such that the point of impingement that has the highest concentration is captured for the contaminant being modelled. For more information, please refer to Chapter 7.2 of the Air Dispersion Modelling Guideline for Ontario (ADMGO) [ <a href="http://www.ene.gov.on.ca/envision/gp/5165e.pdf">http://www.ene.gov.on.ca/envision/gp/5165e.pdf</a> ].	2005/12/08
3 - 5	Will section 15 (Stack height for certain new sources of contaminant) of O. Reg. 419/05 limit the height of the stack that is used with the air dispersion model for existing stacks that have new additional processes/sources attached to them?	No. Subsection 15(1) states that the section is only applicable to sources of contaminant that discharge contaminants directly into the natural environment. Therefore, a new stack would be subject to s.15. However, a new process/source attached to an existing stack that was constructed or approved prior to November 30, 2005 would not satisfy s.15(1) and hence, the stack restrictions do not apply to existing stacks.	2005/12/08
3 - 6	I have a question regarding models to use with submission of a Certificate of Approval with O. Reg. 419/05. When calculating concentrations for fumehoods should I be using Scorer-Barrett or ASHRAE. This project I am working on is a brand new facility that as far as I know has not been built yet. But if they have started building the facility does Scorer-Barrett or ASHRAE apply?	The requirement to use ASHRAE depends on the circumstances of each case. O. Reg. 419/05 requires that ASHRAE be used to assess self-contamination if a facility is governed by s.19 (Schedule 2) or s.20 (Schedule 3). For example, if a Certificate of Approval is being submitted for a new facility that is in a sector listed in Schedules 4 or 5, then s.20 would apply to that facility and ASHRAE would have to be used. If a facility is governed by s.18, it may choose to use either Scorer-Barrett or ASHRAE prior to February 1, 2010. After February 1, 2010, all facilities will be required to use ASHRAE.	2005/12/09
3 - 7	When is a facility allowed to use the conversion in s.17?	Paragraph 1 of s.17(1) of O. Reg. 419/05 states "If an approved dispersion model was designed to be used for the specified averaging period, it shall be used as it was designed for that averaging period". In other words, conversions are allowed only when the model cannot directly generate concentrations with the averaging time specified in Schedule 3 of O. Reg. 419/05. Here are some examples:	2006/03/10

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		<ul style="list-style-type: none"> <li>• The shortest allowed averaging time in AERMOD is 1h. If a standard in Schedule 3 has an averaging period of less than 1h, the modelled 1h concentration may be converted to the averaging period in Schedule 3 using the conversion formula in s. 17.</li> <li>• If a standard in Schedule 3 has a 24h averaging period and AERMOD is being used to model, AERMOD must be set up to include a 24h averaging time. It is not permitted to run the model with 1h averaging time and use s.17 of O. Reg. 419/05 to later convert the result to a 24h average.</li> <li>• If a standard in Schedule 3 has a 24h averaging period and SCREEN3 (designed only for 1h concentrations) is being used to model, then conversion to the 24h averaging period in Schedule 3 is allowed using the conversion formula in s. 17.</li> </ul>	
3 - 8	<p>How do I consider my operating conditions and input my emission rates where there is a variable emission rate scenario occurring over a defined period of the day? For example, assume a facility operates an 8 hour shift and 240 kg of contaminant are released continuously over the 8 hour shift period. What are the appropriate inputs to the approved dispersion models if s. 20 of Regulation 419/05 is applicable and when comparing to a 24-hour average standard in Schedule 3 of the regulation?</p>	<p>The inputs to the use of the approved dispersion models must be developed in accordance with sections 8 through 17 of O. Reg. 419/05. The averaging period for these inputs must reflect the averaging period for the air contaminant standard. If a contaminant has more than one standard, each with a different averaging period, the inputs to the model must be assessed separately for each averaging period.</p> <p>Paragraph 1 of s.11 states that the emission rates put into the models must be “at least as high as the maximum emission rate that the source of contaminant is reasonably capable of”. Although it will depend on the circumstances of each case, the following are some examples of emission rate inputs that may be accepted by the Ministry:</p> <p>(a) A facility could average the 240 kg of contaminant over 8 hours (8.3 g/s) and input this emission rate for all hours in the day. This is a “maximum emission rate that the source of contaminant is</p>	2006/03/10

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reasonably capable of". However, this emission rate represents an 8-hour average (as opposed to the 24-hour average of the standard), and as such, this input scenario would be conservative from the perspective of averaging period.

(b) A facility could average the 240 kg of contaminant over 24 hours (2.8 g/s) and input this emission rate for all hours in the day. In general, the emission rate may be considered to be a mass of contaminant divided by the applicable averaging time of the standard.

(c) A facility could average the 240 kg of contaminant over 8 hours (8.3 g/s) and input this emission rate for each of the 8 hours that the facility is operating and input 0 g/s for each of the other 16 hours in a 24-hour period (e.g., AERMOD allows for hour-by-hour emission rate inputs).

Please note the interaction of s.10 (operating conditions), s.11 (emission rates) and s.13 (meteorological data) of Regulation 419/05.

Despite the above scenarios, s.10 of O. Reg. 419/05 states that the operating conditions used to model must result in "the highest concentration of the contaminant at a point of impingement that the facility is capable" [see paragraph 1 of s.10(1)] or be "actual operating data for the facility for the occasion when the highest concentration of the contaminant at a point of impingement resulted" [see paragraph 2 of s.10(1)].

Therefore, a person must demonstrate that inputs chosen under s.11 and s.13 will result in compliance with the requirements of s.10. For example, there may be occasions where option (b) may not result in a conservative prediction of point of impingement

No.	Question	Answer	Date Answered
		<p>concentration (e.g., when matching the period of actual emissions with worst-case meteorology for that same period) and the use of an hour-by-hour input, such as in option (c) above, would be a more accurate approach.</p> <p>Please note the powers of the Director under s.10(2) and s.11(2) of O. Reg. 419/05. Also note that this answer relates to an assessment of compliance with a 24-hour average standard and does not apply to modelling to compare with shorter averaging times.</p>	
3 - 9	<p>How do I consider my operating conditions and input my emission rates where there is a variable emission rate scenario occurring over an undefined period of the day? For example, emissions occur for a maximum of 6 hours in any given 24 hours and that the 6 hours can occur at any time. In order to accurately model this scenario, should the total emissions from the 6 hour period be averaged over the 24 hour period or should a variable emission rate be set up for a particular 6 hour time period, and if so, which 6 hours should be selected? What is the best way to treat short-term emissions in a 24-hr model in AERMOD?</p>	<p>The emission scenario(s) used in the modelling must include the conditions that would result in the highest concentrations for comparison with Schedule 3 standards. The inputs to the use of the approved dispersion models must be developed in accordance with sections 8 through 17 of O. Reg. 419/05.</p> <p>Paragraph 1 of s.11 states that the emission rates put into the models must be “at least as high as the maximum emission rate that the source of contaminant is reasonably capable of”. Although it will depend on the circumstances of each case, the following are some things that can be considered (see also Question 3-8).</p> <p>Some factors to consider in deciding how to allocate the 6 hours of emissions over a 24 hour period include:</p> <ol style="list-style-type: none"> <li>1. Are there times during the day when short-term emissions from the source(s) would result in higher predicted concentrations (i.e., nighttime vs. daytime)?</li> <li>2. How do other sources of emissions from the facility overlap in time with the short-term source(s)? More specific comments would depend on the sources concerned. For example, if there is only one source with a 6 hour emission period it could be modelled by</li> </ol>	2006/03/10

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		<p>including the source four times. The temporal variations in emissions could be hours 1-6, 7-12, 13-18 and 19-24 for the “four sources”. Creating 4 source groups with 1 of the “4 short-term source” assigned to each would allow the modelling to be done with one model run.</p> <p>See also, Chapters 8 and 10 of the Procedure for Preparing an Emission Summary and Dispersion Modelling (ESDM) Report.</p>	
3 - 10	Are there any tools available for Section 9(1) Same Structure Contamination?	The Ministry is not aware of any commercially available modelling tools for ASHRAE. Please be aware of the following statement that appears in the ASHRAE License Agreement: “ASHRAE hereby grants you a nonexclusive, nontransferable right to download files in the electronic format provided for your individual use on one computer.”	2006/03/10
3 - 11	In cases where assessing compliance with a 1 hour standard, the ADMGO instructs users to eliminate the maximum modeled concentrations resulting from the top 8 hours for each of the 5 years of met data run (AERMOD). Due to the density of receptors around our plant it does happen that in the top 100 MAXTABLE output file list of 1 hour maximum concentrations, that the same hour of met data can result in high concentrations at different receptors. For example met conditions for the hour period 99040224 could produce the top 11 maximum concentrations at different receptor locations. These would be listed in the MAXTABLE	Yes, the procedure outlined ADMGO states that repeat listings of the same hour in the MAXTABLE should be treated as one hour eliminated.	2006/03/10

No.	Question	Answer	Date Answered
	<p>table as ranked 1 through 11 all with same year, month, day, hour but at different receptor locations. Reading the guidance material I am lead to believe that these 11 highest results belong to the same 1 hour of met data. As a result you can continue to eliminate the next 7 hours that contribute to the remaining maximum concentrations. In this case you may have to eliminate more than the 8 highest results from an given year in order to ensure you eliminate 8 different hours. Is this correct?</p>		
3 - 12	<p>To whom should facilities address a formal request for the use of alternative air dispersion models for an upcoming Certificate of Approval (Air) application?</p>	<p>A copy of the 5352e request form (<a href="http://www.ene.gov.on.ca/envision/gp/5352e.pdf">http://www.ene.gov.on.ca/envision/gp/5352e.pdf</a>) should be filled out and sent to EAAB with a copy to EMRB and the local District Office. Please note that notices under s.7(1) are for models that are not listed in s.6(2) of O. Reg. 419/05.</p>	2006/03/10
3 - 13	<p>How do changes to the US EPA models affect O. Reg. 419/05? For example, I heard that the US EPA was discontinuing its use of the ISC models.</p>	<p>Section 6(2) of O. Reg. 419/05 states “the following dispersion models are approved dispersion models for discharges of a contaminant if section 20 applies to those discharges, except as otherwise provided: ...2. The ISCST3 dispersion model 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...”.</p> <p>Therefore, if the US EPA removes the model from the internet, it is no longer considered an approved model for the purposes of O. Reg. 419/05. Similarly, if the US EPA updates a model (e.g. posts an updated version of AERMOD on the internet), it is automatically updated in Ontario.</p>	2006/03/10

No.	Question	Answer	Date Answered
<b>Standards, Guidelines, and Contaminants with No Limits - Technical Questions</b>			
4 - 1	Will there be an up-date to the September 2001, Summary of Point of Impingement Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs) last published by the Standards Development Branch in September of 2001?	Yes. The new list is anticipated to be published before the end of 2005 and will include the new/updated standards and a new format that is reflective of Schedules 1, 2 and 3 of O. Reg. 419/05.	2005/12/08
4 - 2	How will the current point of impingement (POI) guidelines (in the updated "Summary of POI Standards, POI Guidelines and Ambient Air Quality Criteria" document) be applied?	<p>Every time O. Reg. 419/05 requires a person to assess whether "the relevant contaminant is not listed in any of Schedules 1, 2 and 3 and the use of the model indicates that discharges of the contaminant may cause an adverse effect", the person should compare the concentrations to those listed in the updated "Summary of POI Standards, POI Guidelines and Ambient Air Quality Criteria" document.</p> <p>This language also means that the facility should assess and consider whether a concentration of a contaminant may cause an adverse effect even if there is no Ministry standard or guideline. Procedures for assessing contaminants with no standards or guidelines have not changed. However, the Ministry is considering methods to streamline the review of contaminants without limits. Further information will be shared as it becomes available.</p>	2005/12/08
4 - 3	Schedule 2 of O. Reg. 419/05 includes a new ½-hour average point of impingement (POI) standard for HDI Biuret (Chemical Abstract System No. 4035-89-6) of 9 micrograms per cubic metre that is effective between February 1, 2010 and January 31, 2020, inclusive (Schedule 3 includes a	Unless otherwise specified in a legal instrument (e.g. a notice issued under s.20(4) or a Certificate of Approval which imposes a more stringent standard), between November 30, 2005 and Feb 1, 2010, the compliance point for a substance with the CAS No. 4035-89-6 will be 9 micrograms per cubic metre.	2005/12/08

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	<p>corresponding 24-hour average standard of 3 micrograms per cubic metre). However, the Ministry's September 2001 Summary of Point of Impingement Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria includes a ½-hour average guideline of 3 micrograms per cubic metre for this contaminant (identified as hexamethylene diisocyanate trimer but with the same CAS No.). What should be the compliance point for this contaminant between November 30th, 2005 and February 1st, 2010.</p>		
4 - 4	<p>This question pertains to the limits for Total Reduced Sulphur (TRS).</p> <p>(a) What will the actual legal requirement for TRS be when O. Reg. 419/05 comes into effect on November 30, 2005?</p> <p>(b) What TRS limit will a facility be held to when applying for a certificate of approval under s.9 of the Environmental Protection Act?</p> <p>(c) A facility has an order or Certificate of Approval that requires the facility to model TRS using the US EPA models and compare to a ½ h averaging period. What standard does the facility</p>	<p>(a) As of November 30, 2005 when O. Reg. 419/05 came into effect, the standards for the constituents (dimethyl disulphide, dimethyl sulphide, mercaptans, hydrogen sulphide) will be those listed in Schedule 1. Note: In April 2005 the Ministry has posted the "Proposed Revisions to Odour-based Ambient Air Quality Criteria and Development of an Odour Policy Framework" (see EBR Registry Number PA05E0007) as well as the "Air Standard Information Draft for Total Reduced Sulphur (TRS) &amp; Compounds" (see EBR Registry Number PA05E0030) for the initial stage of public consultation.</p> <p>(b) In addition to the constituent standards listed in (a), the Ministry will use the existing odour-based guideline for TRS (i.e., 40 micrograms per cubic metre; ½-hour average) for the s.9 air approvals process.</p> <p>(c) In the past, the Ministry may have requested that facilities use the US EPA models and convert the results to the ½ hour point of</p>	2005/12/08

No.	Question	Answer	Date Answered
	have to meet for TRS?	impingement limit. This practice is not acceptable to demonstrate compliance with O. Reg. 419/05 given that the regulation requires a facility to use a model that matches the averaging time of the standard (see s.6 and s. 17, O. Reg. 419/05). Where a facility has a Certificate of Approval or an Order that requires it to use a US EPA model to show compliance with a standard, guideline or other limit, the facility must comply with those requirements in the Order or Certificate of Approval. In addition, the facility must show that it is in compliance with O. Reg. 419/05 (e.g. if governed by s.18, the facility must show that it is meeting Schedule 1 standards using the models in the Appendix to Regulation 346). To resolve these coexisting legal obligations, the facility may wish to contact its local District office.	
4 - 5	Can a facility use an effects-based standard listed in Schedule 3 (e.g. the 24 hour average for TSP), from November 30, 2005 onwards? Please note the facility is already using AERMOD to model emissions.	As of November 30, 2005 a facility can request a notice under s.20(4) to have section 20 (Schedule 3 standards) apply to it. This request may be for all contaminants or may be contaminant specific as stated in s.20(6). Such requests may be submitted to the Environmental Assessment and Approvals Branch (EAAB). A form is now available on the Ministry website (see <a href="http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm#forms">http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm#forms</a> ).	2005/12/08
4 - 6	There are a number of places in O. Reg. 419/05 that require a facility to assess whether "the relevant contaminant is not listed in any of Schedules 1, 2 and 3 and the use of the model indicates that discharges of the contaminant may cause an adverse effect." What does this mean?	Wherever this language is found throughout the regulation, the language indicates that a facility should look to "Summary of O. Reg. 419/05 Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQC's)" dated November 2005 (Ministry POI Limits Summary) (PIBS 2424) and assess whether concentrations of a contaminant exceed the broader list of point of impingement guidelines or ambient air quality criteria. This language also means that the facility should assess and consider whether a concentration of a contaminant may cause an adverse effect even if there is no Ministry standard or guideline.	2005/12/08

No.	Question	Answer	Date Answered
4 - 7	When assessing against limits in the in Ministry's "Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines & Ambient Air Quality Criteria (AAQCs)", which limits are applicable to my facility (the POI limits or the AACQ limits)? Which models must be used to assess in conjunction with the limits in this Summary document?	<p>In general, during the period where a person is governed by s.18 or s.19 of O. Reg. 419/05, the person must use the models listed in s.6(1) of the regulation (i.e. the Appendix to Regulation 346) to assess concentrations in conjunction with the half-hour POI limits in the Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs) document.</p> <p>Where a person is governed by s.20 of O. Reg. 419/05 (i.e. required to comply with Schedule 3), the person must then assess concentrations in conjunction with the AAQC limits in the Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs) document using the models listed in s.6(2) of the regulation (i.e. US EPA models).</p> <p>Please note that certain limits which previously were AAQCs, have now become the effects-based standards listed in Schedule 3. See also Questions 4-2 and 4-6.</p>	2006/03/10
4 - 8	In Schedule 2, the isocyanates number is 9 (from the previously accepted value of 3) in 2010. How can this threshold be used earlier than 2010?	This question pertains to HDI Biuret (HD-BT), CAS # 4035-89-6. Please refer to Note 8 in the 2005 'Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines & Ambient Air Quality Criteria (AAQCs)' document. ( <a href="http://www.ene.gov.on.ca/envision/gp/2424e04.pdf">http://www.ene.gov.on.ca/envision/gp/2424e04.pdf</a> ).	2006/03/10
4 - 9	Regarding mineral spirits in Schedule 2, why has a single CAS# been provided when mineral spirits are usually reflected as a group of compounds? Please clarify.	O. Reg. 419/05 has been amended to address this concern. The CAS# for mineral spirits has been removed. This update has also been reflected in the document published by the Ministry in December 2005 entitled "Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines & Ambient Air Quality Criteria (AAQCs)".	2006/03/10

No.	Question	Answer	Date Answered
<b>Phase-In, Schedules and Dates for Compliance</b>			
5 - 1	Is the phase-in for new standards always five years from the date that the new standards are included in the schedules to O. Reg. 419/05?	No. The schedules that contain the new standards (Schedules 2 and 3) do not become effective until February 1, 2010. If new standards are added to O. Reg. 419/05 in the future, the phase-in period will be specified in the amending regulation. Note that section 32 contemplates a request for an alternative standard for any new standards. These are listed in Schedule 7. Section 32(10) states that requests for alternative standards may be submitted 12 months after the new standard is added to Schedule 3 or 18 months before the new standard comes into force, whichever is the later date	2005/12/08
5 - 2	How are the new air standards in O. Reg. 419/05 phased-in?	<p>Table 5.2 summarizes the phase-in of the new/updated air standards. The phase-in of the new models is linked to the phase-in of the Schedules. Accordingly, please also refer to Table 5.2 for this information.</p> <p>Schedule 1: contains the ½-hour average point of impingement standards as they existed in O. Reg. 346 (with six additional standards that were previously set out in guidelines and the limits did not change: Acetaldehyde, Carbon tetrachloride, Di(2-ethylhexyl) phthalate (DEHP), Dichlorobenzene, 1-4, Ethylene dichloride, and Vinyl chloride). The dispersion models in the Appendix to Regulation 346 are to be used in conjunction with the standards in Schedule 1. Please refer to section 18 of O. Reg. 419/05 which sets out the legal requirements applicable to Schedule 1.</p> <p>Schedule 2: contains standards in Schedule 1 (some of which have been updated to more stringent standards) plus new ½-hour average point of impingement standards for additional contaminants. The dispersion models in the Appendix to Regulation</p>	2005/12/08

No.	Question	Answer	Date Answered
		<p>346 are to be used in conjunction with the standards in Schedule 2. Please refer to section 19 of O. Reg. 419/05 which sets out the legal requirements applicable to Schedule 2.</p> <p>Schedule 3: contains most of the contaminants listed in Schedule 2 but with variable effects-based averaging periods (e.g., 24-hour average standards which generally are meant to protect against chronic health effects). The US EPA models are to be used in conjunction with the standards in Schedule 3. Please refer to section 20 of O. Reg. 419/05 which sets out the legal requirements applicable to Schedule 3.</p>	
5 - 3	How are the models in the Appendix to Regulation 346 being phased-out?	The models in the Appendix to Regulation 346 are being phased-out on a sector basis. New facilities that are in sectors listed in Schedules 4 or 5 will not be able to use the models in the Appendix to Regulation 346 as of November 30, 2005. Facilities listed in Schedule 4 will not be able to use the models in the Appendix to Regulation 346 as of February 1, 2010. Facilities listed in Schedule 5 will not be able to use the models in the Appendix to Regulation 346 as of February 1, 2013. No facility will be able to use the models in the Appendix to Regulation 346 as of February 1, 2020. See Table 5.2.	2005/12/08
5 - 4	Under s.20(4) of O. Reg. 419/05 a facility may ask to comply with Schedule 3 prior to the required implementation date. Can a facility request to comply with certain contaminants or is it the whole Schedule? If the request is made, is there a phase in period for compliance?	Section 20(6) states that a notice issued under s.20(4) applies in respect of all contaminants unless the notice provides that it applies only in respect of contaminants specified in the notice. If the notice is only with respect to certain contaminants, the other contaminants would be modelled using the models in the Appendix to Regulation 346 and compliance would be assessed with Schedules 1 or 2, as the case may be. The requirement for the contaminant to comply with section 20 (which is linked to the new US EPA models – see s.6) will commence upon issuance of the notice. See also Questions 3-2 and 4-5.	2005/12/08

No.	Question	Answer	Date Answered
5 - 5	Does O. Reg. 419/05 allow a Ministry Director to require the use of the new models [e.g., the models listed in subsection 6(2)] earlier than the scheduled phase-in of the new models?	<p>There are four ways that the use of the new models could be required earlier than the scheduled phase-in:</p> <ol style="list-style-type: none"> <li>1. By operation of the regulation, a facility will be automatically be required to prepare an ESDM report “as if” section 20 applied (i.e. the models listed in s.6(2) or one specified under s.7) in several circumstances: <ol style="list-style-type: none"> <li>(i) if a facility exceeded an upper risk threshold (s.30);</li> <li>(ii) if a facility is requesting an alternative standard (s.32);</li> <li>(iii) if a facility is applying for a Certificate of Approval (s.22(1.2)) or</li> <li>(iv) if a facility is required to prepare an ESDM report before its phase-in date (e.g. Feb. 1, 2010 or Feb. 1, 2013) (s.23).</li> </ol> </li> </ol> <p>This ESDM report requirement does not affect the application of section 18,19 or 20, as the case may be. Note that under s.7(9), the Director may specify approved models for assessment purposes regardless of whether s.20 applies.</p> <ol style="list-style-type: none"> <li>2. A facility may be required to do an ESDM “as if” s.20 applied to it, if issued a Notice under s.24 (see s.24(2)). Again, this ESDM report requirement does not affect the application of section 18,19 or 20, as the case may be. Note that under s.7(9), the Director may specify approved models for assessment purposes regardless of whether s.20 applies.</li> <li>3. Section 7 allows the Director to add and subtract from the list of approved models listed in section 6. Section 7(8) states that this new list of approved models applies for compliance purposes only after s.20 begins to apply to the person. Note that under s.7(9), the Director may specify approved models for assessment purposes regardless of whether s.20 applies.</li> </ol>	2005/12/08

No.	Question	Answer	Date Answered
		<p>4. The Director may issue a notice under s.20(4) to a facility that wants to use the new models to demonstrate compliance with Schedule 3 before its phase-in. 4. After February 1, 2010, the Director can require a facility to comply with section 20 before its phase-in by issuing an order under s.20(5). Please refer to Table 5.2.</p>	
5 - 6	<p>If asked to use the "new models" before s.20 applies, is there a corresponding requirement to comply with section 20 (Schedule 3 standards) or do people have to "back calculate" from, for example, 1 hour to 1/2 hour averages as required in Schedule 1 or 2?</p>	<p>Yes, there is a corresponding requirement to comply with section 20 (Schedule 3 using the US EPA models listed in s.6(2)). Under O. Reg. 419/05, people should not be "back calculating" from, for example, 1 hour to ½ hour averages. The only way that the application of section 20 can be "sped up" is by an Order given after 2010 [see s.20(5)] or by a Notice requested by the facility any time after November 30, 2005 [see s.20(4)]. If a facility receives such a notice or order, it will have to use the new models and assess compliance with Schedule 3 standards.</p> <p>However, note that if required to assess with the models listed in s.6(2) before section 20 applies [e.g. through the operation of ss. 24(2), 30(5) or 32(16)], compliance will continue to be assessed using the models in the Appendix to Regulation 346 and comparing to Schedule 1 or 2 standards. Accordingly, where a facility is asked to assess emissions "as if" s.20 applied to them, conversion from 1 hour to 1/2 hour averages will not be necessary for compliance purposes given that it will be using the models in the Appendix to Regulation 346 to demonstrate compliance with Schedule 1 or 2 standards, as the case may be.</p>	2005/12/08
5 - 7	<p>How will the Ministry use the ½-hour point of impingement air standard? In our case we have a permit for the 24-</p>	<p>On November 30, 2005, when O. Reg. 419/05 came into force, the standards in the regulation prevail over limits imposed in Certificates of Approval (CofA). The one exception to this rule is if</p>	2005/12/08

No.	Question	Answer	Date Answered
	<p>hour standard. Under what conditions can the ½-hour standard be applied to us? What use is the ½-hour standard to the Ministry?</p>	<p>the Director appointed under s.9 of the EPA has imposed a more stringent standard in a CofA (see s.21 of the regulation).</p> <p>Section 20(4) enables a facility to request that section 20 apply to it sooner than prescribed by the regulation. In other words, the standards in Schedule 3 would apply sooner if the request was made and the Director issued a Notice under s. 20(4). If a Notice is issued under section 20(4), it would be possible to have a 24-hour standard apply instead of the 1/2-hour standard. If no Notice is issued, then the Schedule 1 standard will be used to assess compliance.</p> <p>Please note that under s.186(3) of the Environmental Protection Act, failure to comply with a condition of a CofA is an offence. In certain circumstances, a facility may have to demonstrate compliance with its CofA (or Order) and with the requirements of O. Reg. 419/05. Where such parallel compliance requirements exist, a facility may wish to contact the Ministry.</p>	
5 - 8	<p>My facility has multiple NAICS codes. A portion of my facility belongs to a sector listed in Schedule 4, do I have to use the new models and have an ESDM report on site in 2010?</p>	<p>Yes, please refer to Section 2.1.1 of the Procedure for Preparing an ESDM Report for more information on this issue (<a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a>).</p>	2005/12/08
5 - 9	<p>Is a facility with NAICS code 3363 part of the target sectors for 2005 (Schedule 5 in O. Reg. 419)?</p>	<p>Yes, the four-digit NAICS code, 3363, is part of the three-digit code, 336, that is listed in Schedule 5 of Regulation 419/05 because the first three digits in 3363 match the three digit code 336. All NAICS codes that begin with 336 would be included in the 336 Transportation Equipment Manufacturing sector identified in Schedule 5 of the regulation.</p>	2006/03/10

No.	Question	Answer	Date Answered
5 - 10	I am required to comply with s.18 of the Regulation (i.e. I must assess compliance with the Reg. 346 model and the ½ -hour standards in Schedule 1). I want to use AERMOD do I have to submit the ministry form to request for notice under s.7(1)?	No. If you wish to use AERMOD for compliance purposes, then you should submit a speed up request under s.20(4) of O. Reg. 419/05. See Questions 4-5, 5-4, and 5-6 for more details. Notices under s.7(1) are for models that are not listed in s.6(2) of O. Reg. 419/05. Facilities are strongly encouraged to run the models in s.6(2) and assess whether they will be in compliance when s.20 (Schedule 3) of O. Reg. 419/05 starts applying to them. Facilities are not required to make a request to use new models under s.7 of O. Reg. 419/05 or to request a Notice under s. 20(4) where models are being used for “assessment” purposes only (see Question 11-6).	2006/03/10
5 - 11	Several contaminants have standards in Schedules 1 and 2, but not in Schedule 3. What limits should a facility governed by s.20 compare to if they are applying for a Certificate of Approval?	A facility governed by s.20 must demonstrate compliance with the standards listed in Schedule 3. For contaminants not listed in Schedule 3, the facility must look to the Ministry’s Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines & Ambient Air Quality Criteria (AAQCs) document. The facility must assess concentrations in conjunction with the AAQC limits in the document using the models listed in s.6(2) of the regulation. If a contaminant has an AAQC in the document of 24 hr or 1hr but the limiting effect is based on odour (which at this point requires updating), then the facility should treat this similar to a request for a ground level concentration (GLC) assessment.	2006/03/10
5 - 12	Schedule 3 of O.Reg.419/05 sometimes presents multiple concentration standards for the same compound. For facilities using the new approved models, does the facility have to pass all the listed standards to be considered in compliance?	Compliance with the Schedule 3 standards of Regulation 419/05 is based upon compliance with all of the listed standards, even if there is more than one standard per contaminant.	2006/03/10

No.	Question	Answer	Date Answered
<b>Emission Summary and Dispersion Modelling Reports</b>			
6 - 1	My facility is in a sector listed in Schedule 4 and already has a site-wide ESDM report on site. Do we have to do another one in 2010 if ours is up to date?	Yes. Every facility listed in Schedule 4 must have an up to date ESDM report on site by Feb 1, 2010 and it must be done in accordance with s.26 of O. Reg. 419/05. The updated Procedure for Preparing an ESDM Report ( <a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a> ) reflects the requirements of O. Reg. 419/05.	2005/12/08
6 - 2	Although in most places the "15 days" was changed to "30 days" for comment period for Director's notices, in Section 24 (3) this remains 15 days – is this an error?	No. Where there is a concern regarding a potential exceedence, it is important for the facility to begin assessing as soon as possible. Therefore a period of 15 days, as opposed to 30 days, was given to make written submissions.	2005/12/08
6 - 3	My facility is in a sector listed in Schedule 4, if I do an ESDM report in 2010 and nothing changes at my facility during the next year, do I have to completely redo the ESDM report from scratch?	The required annual update of the ESDM report [see s.25, O. Reg. 419/05] must include an update of everything that has changed at the facility in the last year. If nothing has changed at the facility, then the ESDM report must be re-dated to indicate that the required annual update was considered and that the ESDM report is up-to-date. The most up-to-date report must be kept on-site and a copy of the ESDM report must be provided to a provincial officer or Director upon request.	2005/12/08
6 - 4	The ESDM report update timeline requirements in subsections 25(1) and 25(8) do not match, could you clarify the difference between these requirements.	Section 25(1) and 25(8) requires the information in the report to be accurate as of December 31. Section 25(8) further states that a facility has until March 31 of the following year to complete this update.	2005/12/08
6 - 5	How should sectors required to maintain an ESDM Report on site deal with contaminants with no point of impingement (POI) Limits?	Section 26 requires that an ESDM Report include all contaminants emitted from the facility in non-negligible amounts (see Chapter 7 of the Procedure for Preparing an ESDM Report ( <a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a> )). Therefore, every contaminant emitted from a facility must be included in the	2005/12/08

No.	Question	Answer	Date Answered
		<p>ESDM report regardless of whether the Ministry has a published limit or not. If a contaminant emitted from a facility has no POI limit, s.26(1)14 requires that the ESDM report include an indication of the likelihood, nature and location of any adverse effect. The Ministry may assess contaminants with no POI limits during applications for Certificates of Approval or Ministry audits.</p>	
6 - 6	<p>How are new ESDM Report requirements with O. Reg. 419/05 being phased-in? Who is required to do an ESDM report and when?</p>	<p>Sections 22, 23, 24, 25, 30 and 32 govern when ESDM reports must be prepared. O. Reg. 419/05 also requires that the ESDM report be kept on-site; made available to Ministry staff upon request; and up-dated on an annual basis. Please refer to Table 6.6. Note: As of November 30, 2005, all ESDM reports submitted as part of a Certificate of Approval application must use the updated 2005 Procedure for Preparing an ESDM Report (<a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a>) which reflects O. Reg. 419/05 requirements.</p>	2005/12/08
6 - 7	<p>Elements of my facility have been exempted by regulation or statute from the CofA process. Do these elements need to be disclosed in the source identification table? For example would emissions from "routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;" (s. 9(3)(a) of the EPA) need to be included in an ESDM report prepared in accordance with s.26 of O. Reg. 419/05?</p>	<p>Section 26 of O. Reg. 419/05 requires that the ESDM report account for "all the sources of contaminant that are located on the property". Therefore, equipment that is exempt from the need to obtain a Section 9 Certificate of Approval must be listed in an ESDM report. Note, however, that the presence of exempt sources can be identified in the Sources and Contaminants Identification Table and additional details to demonstrate that the sources are negligible can be provided in an appendix to the ESDM report.</p> <p>The emissions from exempted equipment can generally be considered negligible under s. 8 of the regulation. Please note, however, that s.26 states that "if, pursuant to s.8, the source of contaminant was not considered when using an approved dispersion model in respect of the contaminant for the purpose of this section, an explanation of how it was determined that the source of contaminant discharges a negligible amount of the contaminant." Also note, the powers of the Director under s.8(2) of O. Reg. 419/05.</p>	2006/03/10

No.	Question	Answer	Date Answered
6 - 8	Should ESDM reports include start up and shut down emission scenarios?	<p>The ESDM report must consider the operating condition of the facility that gives rise to the maximum POI concentration. That may include start up and shut down conditions or periodic events that occur as part of the normal operation of the facility.</p> <p>The emission rate calculations for the facility must conform to the appropriate averaging times for the applicable Ministry POI Limits for each contaminant. For example, if a contaminant is being assessed for a Schedule 3, 24hr average standard, then start up and shut down conditions should be considered in the ESDM report. If the contaminant has standards with averaging time other than 24 hr, that too should be considered as part of the normal operating conditions.</p>	2006/03/10
6 - 9	(a) What wording should be used for the "Limiting Effect" and "Regulation Schedule Number" columns in the Emissions Summary Table for contaminants with no standards or guideline limits? (b) Would this wording be different for a basic comprehensive CofA that has had levels accepted by the MOE?	<p>(a) If a person is aware of the limiting effect for a contaminant (e.g. a health effect), that should be entered in the "Limiting Effect" column. The "Regulation Schedule Number" column may be left blank for contaminants with no standards or guideline limits (otherwise, it must be filled in with Schedule 1, 2 or 3 – whichever Schedule applies to the contaminant). Persons preparing an ESDM report should complete the columns as much as possible. For example if the person is applying for an amendment to an existing CofA and the concentration at POI is not changing then the text "less than previously reported POI level" should be included in the "Regulation Schedule Number" column.</p> <p>(b) If a Basic Comprehensive CofA holder is updating the ESDM report then the text "the level is less than a Maximum Concentration Level Accepted by the Air Standards Manager" should be included in the "Regulation Schedule Number" column.</p>	2006/03/10

No.	Question	Answer	Date Answered
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**Modelling Refinement**

7 - 1	<p>I have just completed an ESDM report based on conservative data and it has shown an exceedence of a standard. How long do I have to refine my modelling?</p>	<p>In order to "use an approved dispersion model" in accordance with the regulation, a person must follow the requirements of section 12. Section 12 states that if an approved dispersion model is used with conservative inputs and indicates an exceedence, a person must either re-model with more accurate inputs or submit an abatement plan in 30 days. Therefore a person who has just completed an ESDM report based on conservative data that shows an exceedence of a standard must choose to either: (a) automatically remodel with more accurate inputs to verify the exceedence before notifying a provincial officer; or (b) notify a provincial officer under s.28 and submit an abatement plan (to satisfy both s.12(3) and s.29).</p> <p>Several sections of O. Reg. 419/05 require ESDM reports to be prepared. The following sets out time limits for the preparation of ESDM reports depending on the purpose for which it is being prepared:</p> <ul style="list-style-type: none"> <li>(i) s.22 - refinement must be completed by the time the Certificate of Approval application is submitted;</li> <li>(ii) s.32 - refinement must be completed by the time the request is submitted for an alternative standard;</li> <li>(iii) s.30 - refinement must be completed within 3 months from the discharge that exceeded an upper risk threshold listed in Schedule 6;</li> <li>(iv) s.24 - refinement must be completed by the time specified in the Notice to prepare an ESDM report; or</li> <li>(v) ss. 25(8) and (9) – where annual updating is required, refinement must be completed by March 31 of the year. If it is not completed by that date, and an approved dispersion model indicates an exceedence, please note that notification is required under s. 25, O. Reg. 419/05.</li> </ul>	2005/12/08
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No.	Question	Answer	Date Answered
		<p>If none of the above circumstances apply, the Ministry expects that a facility date the results of modelling runs and that re-modelling using more accurate inputs be completed within approximately 6 months of a more conservative modelling run that indicates an exceedence. Where ambient monitoring or comprehensive source testing is required to refine the modelling, it is acknowledged that more than 6 months may be required. Where there is a more serious risk to human health or the re-modelling exercise is straightforward, it is expected that the refinement be completed in less than 6 months and as soon as possible.</p>	
7 - 2	<p>Section 12 Combined effect of assumptions for operating conditions and emission rates – A clarification on this would be appreciated.</p>	<p>Section 12 states that if an approved dispersion model is used with conservative inputs and indicates an exceedence, a person must either automatically re-model with more accurate inputs or submit an abatement plan in 30 days. See also Question 7-1.</p>	2005/12/08
<b>Negligible Sources</b>			
8 - 1	<p>Section 8(1)(b)- please clarify what is meant by "nature of the contaminant".</p>	<p>In general, this means that even if a contaminant is emitted in a small amount, it may not be considered negligible if a small amount of the contaminant is considered a concern based on its health or environmental effects. For more information, see Chapter 7 of the 2005 Procedure for Preparing an ESDM Report (<a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a>).</p>	2005/12/08
8 - 2	<p>Does the 0.3 ug/m3 half-hour average listed in Table B-2A of the Procedure for Preparing an Emission Summary and Dispersion Modelling Report have to be used in conjunction with the site dispersion factors listed in Table B_1 to declare a contaminant negligible? Or can it be applied using a facility specific dispersion factor?</p>	<p>No, it does not have to be, however, both are acceptable. As indicated in the Procedure for Preparing an Emission Summary and Dispersion Modelling Report (Chapter 7, bottom of page 26), the appropriate use of other dispersion modelling screening tools, such as SCREEN3 and ISCST3, as described in the MOE document, "Air Dispersion Modelling Guideline for Ontario – July 2005" is also acceptable if the site-specific dispersion factors can be justified as resulting in a conservative prediction of point of impingement concentration. See also Question 8-3.</p>	2006/03/10

No.	Question	Answer	Date Answered
8 - 3	<p>(a) What are the requirements for preparing a CofA application for an individual source that is listed as insignificant in Appendix B, Table B-3?</p> <p>(b) How do we explain the reason for omitting certain sources of contaminant? What should be included as an explanation?</p>	<p>(a) Section 26 of O. Reg. 419/05 requires that the ESDM report account for “all the sources of contaminant that are located on the property”. Therefore, equipment that is determined to be negligible must be listed in an ESDM report. Each negligible source must be listed in the table (that is the purpose of the last column on the right). Note, however, that the presence of negligible sources can be identified in the Sources and Contaminants Identification Table and additional details to demonstrate that the sources are negligible can be provided in an appendix to the ESDM report.</p> <p>Please note that s.26 states that “if, pursuant to s.8, the source of contaminant was not considered when using an approved dispersion model in respect of the contaminant for the purpose of this section, an explanation of how it was determined that the source of contaminant discharges a negligible amount of the contaminant.” Also note, the powers of the Director under s.8(2) of O. Reg. 419/05.</p> <p>(b) Paragraphs 3 and 5 of s.26(1) require an explanation of how it was determined that a contaminant or source of contaminant is negligible. At minimum, reference should be made to Chapters 7.1, 7.2 or 7.3 of the Procedure for Preparing an Emission Summary and Dispersion Modelling (ESDM) Report. Also, any assumptions and calculations should be included; these may be summarized in an appendix to the report. The person preparing the ESDM report must be able to defend the accuracy of the report and assessment of negligibility. See also Question 8-8.</p>	2006/03/10
8 - 4	<p>I am required to comply with s.18 of the Regulation (i.e. I must assess compliance with the Reg. 346 model and the ½ -hour standards in Schedule 1). Am I allowed to use the emission threshold rule in Chapter 7.1 of ESDM</p>	<p>Any facility may use the emission threshold rule to assess negligibility regardless of the approved dispersion model that they are required to use. If the facility wide emissions can be demonstrated to be less than the emission rate calculated by the formula then the emissions of that contaminant can generally be considered to be negligible.</p>	2006/03/10

No.	Question	Answer	Date Answered
	<p>Procedure Document? Do I have to submit a speed up request under s.20(4)? Do I have to convert the dispersion factor from Table B-1 to a 1/2 hr dispersion factor in order to use the formula provided?</p>	<p>The facility is not required to submit a 20(4) “speed-up request” in this case to use the emission threshold rule in Chapter 7.1. To determine an emission threshold the facility can use the formula in Chapter 7.1 of the Procedure for Preparing an ESDM Report (July 2005). Example calculations are provided in the Procedure Document. The denominator of the emission threshold formula is a dispersion factor. You must use the dispersion factors listed in Appendix B. These are based on 1-hour averaging periods. The POI Limit in the numerator of the formula is a POI limit. You may use the POI limits set out in the ministry document titled Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs) , available from <a href="http://www.ene.gov.on.ca/envision/gp/2424e04.pdf">http://www.ene.gov.on.ca/envision/gp/2424e04.pdf</a>.</p> <p>The averaging period of the POI Limit must match the averaging period of the dispersion factor (i.e. 1 hour). If, for example, the POI Limit is based on a 24-hour averaging period, the Dispersion Factor from Appendix B must be converted to a 24-hr value using the conversion equation in Chapter 7.1. If more than one criteria is provided for a contaminant based on different averaging periods, then each POI limit must be used in the formula. The more stringent emission threshold applies to the facilities emissions based on the Operating Conditions at the facility.</p> <p>This process is a conservative screening tool that must be used with the dispersion factors included in Appendix B; the formula can not be used with a dispersion factor produced with the O. Reg. 346 models.</p>	
8 - 5	<p>In assessing negligibility for a contaminant with more than one averaging time in Schedule 3, which averaging time should I use?</p>	<p>When assessing whether a contaminant is negligible, it must be assessed for all the averaging periods for that contaminant listed in Schedule 3. See also Questions 5-12 and 8-3.</p>	2006/03/10

No.	Question	Answer	Date Answered
8 - 6	<p>The 2005 Procedure for Preparing an Emission Summary and Dispersion Modelling (ESDM) Report uses terms like “generally emit contaminants in negligible amounts”, “there are some exceptions to this general rule” or “on a case-by-case basis”. If I follow the negligibility rules in Chapters 7.1 and 7.2 can I be 100% sure that I can exclude the source or contaminant from the dispersion model?</p>	<p>Persons preparing an ESDM report must assess the applicability of the rules in Chapter 7 of the 2005 Procedure for Preparing an Emission Summary and Dispersion Modelling Report to the facility and, as required under the s. 26 paragraphs 3 and 5, provide an explanation of how it was determined that the contaminant or the source of contaminant is negligible.</p> <p>Although the rules in Chapters 7.1 and 7.2 will generally establish negligibility, there may be some site-specific cases where a source of contaminant is actually not negligible even though the rule indicates that it is. For example, in some cases the contribution to the POI concentration is great even though the percentage of the emission rate is low because the location of the source is close to the property line or because of the discharge characteristics (e.g. a rain cap or side vent).</p> <p>Assessment of negligibility is site-specific and all site-specific considerations must be included. Under Chapter 7.3 stakeholders may suggest other negligibility assessment methods to be considered. The person preparing the ESDM report must be able to defend the accuracy of the report and assessment of negligibility. Also note, the powers of the Director under s.8(2) of O. Reg. 419/05.</p>	2006/03/10
8 - 7	<p>Has the ministry provided any additional guidance for assessing the negligibility of sources under Chapter 7.3?</p>	<p>Yes, persons preparing ESDM reports may use the principals of “Semi-Quantitative Correlative Assessment”. For example, take the case where there are two sources at a facility that emit common contaminants with one of the sources significantly larger than the other. If the emission impact for the larger sources has been assessed and the emission from the lesser sources can be shown through correlative means (such as comparing the flow rates of the two sources) to be less than 5 % of the total emissions as per the guidance in Chapter 7.2 then the lesser source can be documented as negligible. Note the Director's powers under s.8(2) of O. Reg. 419/05.</p>	2006/03/10

No.	Question	Answer	Date Answered
8 - 8	I have a stand-by emergency generator at my facility. How does the inclusion of this equipment in Table B-3, "Specific Examples of Equipment that Emit Contaminants in Negligible Amounts" p.73 of the ministry document "Procedure for Preparing an ESDM Report" dated July 2005 affect the requirement to obtain an approval under Section 9 of the EPA? Do I still have to assess the emissions from this type of equipment? Does it matter if the emergency generator is the only source of air emissions on site?	The Procedure for Preparing an ESDM Report (July 2005) states that identification of a source as negligible does not effect the need to obtain a Certificate of Approval under Section 9 of the EPA. Applicants for approval under Section 9 of the EPA must include an assessment of the emissions from any emergency generators included in the application. Applications for which the only source of emissions is an emergency generator may not be required to complete an ESDM Report in accordance with s.26 In accordance with s.22(2) the Section 9 director may accept a completed a data form available on the ministry's web-site along with the dispersion modelling output as supporting information to the application for approval. The current title of this form is the "Emergency Generator Data Sheet". However, please check the Ministry website regularly for updates of this and other forms.	2006/03/10

### Measurement/Monitoring of Contaminants

9 - 1	My facility has a self-monitoring agreement (source emissions monitoring agreement) with the Ministry. Can this information be used to show compliance? If not, why should I continue to monitor?	<p>The prohibition sections (18, 19, 20) make it an offence to have a modelled or monitored exceedence. The Ministry position is that monitoring information alone is not sufficient to demonstrate compliance. One rationale for this position is that a monitor can only measures concentrations at a very specific location and cannot provide information about concentrations at other locations. In order to demonstrate compliance with O. Reg. 419/05, therefore, one must use (a) an approved dispersion model or (b) an approved dispersion model in combination with monitoring. If monitoring is being done as part of a Source Emission Monitoring (SEM) agreement, continue monitoring pursuant to that agreement. A facility may contact the Ministry to amend such agreements, if appropriate.</p> <p>Note that it may be advantageous to continue monitoring so that the results can be used in combination with modelling to</p>	2005/12/08
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No.	Question	Answer	Date Answered
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demonstrate compliance. For more information, refer to s.11 of O. Reg. 419/05 and to the Procedure for Preparing an ESDM Report (<http://www.ene.gov.on.ca/envision/gp/3614e02.pdf>) and the Air Dispersion Modelling Guideline for Ontario (ADMGO) (<http://www.ene.gov.on.ca/envision/gp/5165e.pdf>) for further details on how monitoring and modelling can be used in combination.

**Linkage to the s. 9 Certificate of Approval Process**

10 - 1	I have a limit in my Certificate of Approval for a contaminant that has a standard listed in the Schedule of O. Reg. 419/05 that is applicable to my facility. The two numbers are different. Which limit do I need to meet?	Standards in O. Reg. 419/05 prevail over less stringent standards in certificates of approval. Section 21 clarifies that if the Director appointed under s.9 of the EPA imposes standards that are more stringent than those in the regulation in a Certificate of Approval, these more stringent standards will prevail. Some facilities may be eligible to request alternative standards. For more information, please refer to s.32 of O. Reg. 419/05 and to the "Guideline for the Implementation of Air Standards in Ontario" 2005 ( <a href="http://www.ene.gov.on.ca/envision/gp/5166e.pdf">http://www.ene.gov.on.ca/envision/gp/5166e.pdf</a> ).	2005/12/08
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10 - 2	Our facility has a Comprehensive Certificate of Approval that was received prior to November 30th 2005 and this approval includes conditions that require updating the Emission Summary and Dispersion modelling (ESDM) report prior to each modification of the facility. (a) Can I continue to use the 1998 version of the Procedure for Preparing an ESDM Report to up-date the ESDM report? (b) Can I use the new 2005 version of the Procedure for Preparing an ESDM Report ( <a href="http://www.ene.gov.on.ca/envision/gp/">http://www.ene.gov.on.ca/envision/gp/</a> )	The answer to both questions (a) and (b) will vary depending on the wording of the Certificate of Approval (CofA). Some Comprehensive CofAs refer to the Procedure for Preparing an ESDM Report "as amended from time to time", in the conditions requiring the update of an ESDM while others explicitly reference the 1998 version of the Procedure for Preparing an ESDM Report. Those facilities that have the reference "as amended from time to time" must use the new 2005 Procedure for Preparing an ESDM Report ( <a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a> ) the next time they must update the ESDM report.  Comprehensive CofAs that explicitly reference the 1998 Procedure for Preparing an ESDM Report will be phased out over time. In the interim, those facilities may update in accordance with the 1998 Procedure for Preparing an ESDM Report or at the request of the	2005/12/08
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No.	Question	Answer	Date Answered
	3614e02.pdf) and the requirements within the Air Pollution – Local Air Quality regulation to update the ESDM report?	<p>company the Ministry will update the CofA to make reference to the new 2005 Procedure for Preparing an ESDM Report (<a href="http://www.ene.gov.on.ca/envision/gp/3614e02.pdf">http://www.ene.gov.on.ca/envision/gp/3614e02.pdf</a>).</p> <p>Also note that if any of the ESDM report requirements of O. Reg. 419/05 become applicable to a facility (e.g. 22, 23, 24, 30, 32), it must complete an ESDM report that complies with section 26 of this regulation and follow the guidance set out in the 2005 version of the Procedure for Preparing an ESDM Report regardless of whether or not their Comprehensive CofA explicitly references the 1998 version of the Procedure for Preparing an ESDM Report.</p>	
10 - 3	Do I have to include an assessment of noise using the approved dispersion models when I do a s.26 ESDM report for noise?	No, the approved dispersion models are not used to assess noise impacts. Please refer to the updated “Guide for Applying for Approval (Air & Noise)” and the Noise Assessment Criteria documents found on the Ministry’s website.	2005/12/08
10 - 4	Are there differences between an ESDM report completed for an application for a s.9 Certificate of Approval (CofA) and ESDM reports completed for other aspects of O. Reg. 419/05?	<p>If a person is required to submit an ESDM report for a CofA, then it must be done in accordance with section 26 of the regulation. Among other things, this means a site-wide ESDM report that assesses all contaminants. A significant difference is that an ESDM report prepared for a CofA need only include those contaminants relevant to the CofA application [see s.26(2)]. Section 26(1)11 requires confirmation that the approved model used to complete the ESDM report was used in accordance with sections 8 to 17 of the regulation.</p> <p>Note that when applying for a CofA, s. 22(2) of the regulation states that the Director appointed under s.9 of the EPA may accept a substitute for an ESDM report if s/he is satisfied that the impact of discharges of contaminants can effectively be evaluated by other methods.</p>	2005/12/08

No.	Question	Answer	Date Answered
10 - 5	Does a facility that is not in Schedule 4 or 5 have to assess the concentration of its contaminants: (i) against Schedule 2 standards prior to February 1, 2010? (ii) against Schedule 3 using the dispersion models listed in s.6(2) prior to February 1, 2020?	<p>Please note that this question is only asking about facilities that are not in sectors listed in Schedules 4 or 5.</p> <p>In general, facilities that are not in sectors listed in Schedule 4 or 5 of O. Reg. 419/05 must only comply with the standards listed in Schedule 1 prior to Feb 1, 2010. Please see Table 5.2.</p> <p>In general, Schedule 2 will apply to facilities not in sectors listed in Schedules 4 or 5 on Feb 1, 2010.</p> <p>In general, facilities not listed in Schedules 4 or 5 will be required to use the models listed in s.6(2) to demonstrate compliance with Schedule 3 standards on February 1, 2020.</p> <p>Therefore, it is recommended that facilities should check for compliance with the standards in Schedule 2 or 3, as the case may be, far enough in advance of the phase in date to allow sufficient time to obtain a certificate of approval to implement any necessary modifications that may be required to ensure that the facility can comply with the new or updated limits using the models listed in s.6(2) of O. Reg. 419/05.</p> <p>Similarly, assessment in advance of the compliance date is recommended in light of the opportunity to request an alternative standard under s.32 (see Question 12-1).</p> <p>Facilities are not required to make a request to use new models under s.7 of O. Reg. 419/05 or to request a Notice under s. 20(4) when models are being used for “assessment” purposes only (see Question 11-6).</p>	2006/03/10

No.	Question	Answer	Date Answered
10 - 6	Do changes in compliance points (e.g. Schedule 2 or 3) affect the validity of a Certificate of Approval?	No. The Section 9 requirement to obtain a Certificate of Approval is triggered by the installation or modification to a process or facility. O. Reg. 419/05 compliance dates do not trigger the requirement to obtain a new Section 9 Approval. If a company plans to make installations or undertake modifications in order to comply with a requirement in O. Reg. 419/05, then those installations or modifications are what would trigger the need for a Section 9 Certificate of Approval.	2006/03/10
10 - 7	I am applying for an amendment to a CofA that only concerns one piece of equipment. Does the ESDM report have to include all sources on the site? If not, do all other sources that emit contaminants common to the new/revised source have to be considered?	Section 22 requires that a person applying for a CofA or an amendment to a CofA submit an ESDM report prepared in accordance with s.26 of O. Reg. 419/05. Section 26(3) states that it is not necessary “to include any contaminant other than the contaminants that are relevant to the application for a Certificate of Approval or for an amendment to a Certificate of Approval”. Also note that s.3 of O. Reg. 419/05 states “two or more discharges of a contaminant from two or more different sources of contaminant shall be deemed to be a single discharge if the sources of contaminant are all located on the same property.” Therefore, as required by s.3 and s.26 of O. Reg. 419/05, the ESDM report must address all sources that emit contaminants that are the subject of the application. Existing sources that do not emit contaminants that are the subject of the application do not have to be included in the ESDM report.	2006/03/10
10 - 8	Does O. Reg. 419/05 require previously unapproved equipment (e.g. a pre-1988 source) to be included in an ESDM report?	Yes, if a facility is required to do an ESDM report in accordance with s.26 of O. Reg. 419/05, it must include all sources of contaminant (regardless of whether the source has a CofA or not). In addition to the requirement to obtain a CofA, under O. Reg. 419/05, a person must be able to demonstrate compliance with Ontario’s air standards.	2006/03/10

No.	Question	Answer	Date Answered
<b>Notice of Possible Contraventions</b>			
11 - 1	If I model using conservative estimates of operating conditions and emission rates and the model demonstrates an exceedence, do I have to notify a provincial officer and submit an abatement plan?	Section 28 requires notification of an exceedence if the use of an approved dispersion model indicates that there may be an exceedence. In order to "use an approved dispersion model" in accordance with O. Reg. 419/05, a person must follow the requirements of section 12. Section 12 states that if an approved dispersion model is used with conservative inputs and indicates an exceedence, a person must either re-model with more accurate inputs or submit an abatement plan in 30 days. Therefore, in the scenario described in the question, a person could either choose to automatically remodel with more accurate inputs to verify the exceedence before notifying a provincial officer or notify a provincial officer under s.28 and submit an abatement plan (to satisfy both s.12(3) and s.29). See Question 7-1 for time limits for completion of refinement.	2005/12/08
11 - 2	If an incident at a facility causes there to be monitored exceedences for multiple days, does the facility have to report every exceedence? For example, if the standard is a half-hour standard, would the facility have to report 48 exceedences each day? Would the facility have to submit an abatement plan 48 times?	<p>Section 28(1)(b) and (c) require that dischargers give notice of measured exceedences. Notice must be given for every measured exceedence. However, note that s.28(1.1) allows the Director to specify an alternate reporting frequency. Section 29 requires that an abatement plan be submitted each time a discharger gives notice under s.28. However, section 29(2) states that if an abatement plan for the contaminant has already been submitted and the Director is satisfied that another plan is not necessary, then an abatement plan would not be required to be submitted. Therefore, in the case of multiple-day exceedences, an abatement plan would not have to be submitted each day if s.29(2) is met.</p> <p>Also note that sections 25(8) and (9) state that a facility that is required to annually update its ESDM report must report exceedences after March 31, even if it is in the process of further refining its modelling or modelling inputs.</p>	2005/12/08

No.	Question	Answer	Date Answered
11 - 3	<p>If a model run demonstrates exceedences for multiple days, does the facility have to report every exceedence? For example, if the standard is a half-hour standard, would the facility have to report 48 exceedences each day? Would the facility have to submit an abatement plan 48 times?</p>	<p>Section 28(1)(a) requires that dischargers give notice of modelled exceedences. Notice must be given each time a facility uses an approved model and demonstrates an exceedence. Note, however, that s.28(1.1) allows the Director to specify an alternate reporting frequency. In order to "use an approved dispersion model" in accordance with the regulation, a person must follow the requirements of section 12. Section 12 states that if an approved dispersion model is used with conservative inputs and indicates an exceedence, a person must either re-model with more accurate inputs or submit an abatement plan in 30 days. See Question 7-1 for time limits for completion of refinement.</p> <p>Section 29 requires that an abatement plan be submitted each time a discharger gives notice under s.28. However, section 29(2) states that if an abatement plan for the contaminant has already been submitted and the Director is satisfied that another plan is not necessary, then an abatement plan would not be required to be submitted. Therefore, in the case of multiple-day exceedences, an abatement plan would not have to be submitted each day if s.29(2) is met.</p> <p>Also note that sections 25(8) and (9) state that a facility that is required to annually update its ESDM report must report exceedences after March 31, even if it is in the process of refining its modelling or modelling inputs. Note: If modelling is being done to reflect a future operation of facility, this would not likely require notification under s.28 because in such a situation, the facility would not be able to refine its modelling in accordance with s.12.</p>	2005/12/08
11 - 4	<p>A facility is exceeding an applicable air standard. What could happen to the facility under O. Reg. 419/05?</p>	<p>If a facility is exceeding a standard (i.e. modelled or measured exceedence) in O. Reg. 419/05, it must notify the Ministry as required under the regulation. It is a violation to be in exceedence of a standard and the facility may be prosecuted. The facility may also receive an Order from the Ministry requiring abatement (e.g.</p>	2005/12/08

No.	Question	Answer	Date Answered
		<p>see Ministry Guideline F-2). If a facility is using the models in the Appendix to Regulation 346 and is exceeding a standard(s), it may use the new US EPA models and see if it can demonstrate compliance with Schedule 3 standard(s).</p> <p>The facility may also request a Notice from the Director under s.20(4) to use the Schedule 3 standard for their compliance point. Note that even a facility that can't show compliance with Schedule 3 standards using the US EPA models, may request a Notice under s.20(4). Such facility may then wish to request an alternative standard under s.32 of O. Reg. 419/05, if eligible (see Table 12.1 below).</p>	
11 - 5	Do I have to notify under section 28 of Regulation 419/05 regarding exceedences of POI Guideline limits and Ambient Air Quality Criteria, such as those listed on the MOE Summary of Regulation 419/05 Standards, Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQC) dated December 2005?	<p>Section 28 of Regulation 419/05 contains requirements to notify a provincial officer as a result of modelled or measured exceedences of the standards in the Regulation or of discharges that may cause an adverse effect. Some contaminants are not listed in Schedules 1, 2 and 3 of the Regulation, but are instead listed as a half-hour POI guideline or an AAQC in the MOE's Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines and Ambient Air Quality Criteria (AAQCs). Exceedence of a POI guideline or of an AAQC may cause adverse effects and as such would trigger requirement to notify a provincial officer. As such, standard, guideline and AAQC limits have been included in the Notification of Exceedence Form (5354e) which can be found on MOE internet site:  <a href="http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm">http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm</a>.  See also Questions 4-7, 11-1 and 11-6.</p>	2006/03/10
11 - 6	A facility governed by s.18 runs a model listed in s.6(2) and notices that it exceeds a standard in Schedule 3. The facility is in compliance with Schedule 1 standards using the	A facility that is governed by s.18 of O. Reg. 419/05 is prohibited from exceeding a Schedule 1 standard at a point of impingement. Section 6 states that a facility governed by s.18 must use the dispersion models in the Appendix to Regulation 346 to demonstrate compliance. Section 28 of O. Reg. 419/05 requires a	2006/03/10

No.	Question	Answer	Date Answered
	<p>models in s.6(1). Is the facility out of compliance with O. Reg. 419/05? Is notification required?</p>	<p>person to notify of an exceedence if “the person uses an approved dispersion model to predict concentrations...” According to s.6(1), the approved dispersion model for a facility governed by s.18 is the models in the Appendix to Regulation 346. Therefore, under s.28, the facility would have to report exceedences of Schedule 1 standards as demonstrated by the Reg. 346 models. Use of a model other than the approved dispersion model would not trigger notification obligations.</p> <p>Note that certain requirements are triggered under s.30 of O. Reg. 419/05 if there is “any relevant information” indicating an exceedence of an Upper Risk Threshold (see Schedule 6). This may include concentrations calculated by models other than the approved dispersion model as set out in s.6.</p> <p>Also relevant is that s.14 of the Environmental Protection Act (EPA) prohibits the causing of an adverse effect. Therefore, despite the provisions of Regulation 419/05, a discharge of a contaminant that causes an adverse effect (as defined in the EP Act) is prohibited.</p> <p>Note also s.15 of the EPA, which states: “15 (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment shall forthwith notify the Ministry if the discharge is out of the normal course of events, the discharge causes or is likely to cause an adverse effect and the person is not otherwise required to notify the Ministry under section 92; ... “</p> <p>Facilities are strongly encouraged to run the models in s.6(2) and assess whether they will be in compliance when s.20 (Schedule 3) of O. Reg. 419/05 starts applying to them. If a facility anticipates difficulty in complying, it may consider the alternative standard process in s.32 of O. Reg. 419/05 (see Question 12-1).</p>	

No.	Question	Answer	Date Answered
11 - 7	<p>Section 2 of the Notification Form asks for a large amount of address information, most of which is duplicative. There are also boxes to enter map coordinates. Is the intention to have all the fields filled out? If some of the fields are optional, perhaps they should be indicated as such. Also, we are unsure what to do with the Certificate of Approval Number field as we have hundreds of approvals. Does the MOE wish to have this list submitted to them?</p>	<p>Section 28 of the Regulation 419/05 states that notice is required in writing. It is strongly recommended that the Notification of Exceedence Form (5354e) which can be found on MOE internet site <a href="http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm">http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm</a> be used by a company to notify a provincial officer as a result of modelled or measured exceedences of the standards in the Regulation or of discharges that may cause an adverse effect.</p> <p>It is recommended that as many fields as possible in the notification form be completed. However, it is important that notification under section 28 and 25 be made as soon as practicable (or immediately for a notification made under section 30). If information is not readily available, then it does not need to be included. However, the Ministry may later request this and further information as needed.</p> <p>With respect to the CofA reference in the form, reference to either: a consolidated/comprehensive CofA; the most pertinent/related Certificate of Approval; or the most recent CofA (in this order of importance) is required. A complete listing may not need to be provided if the above information is provided.</p> <p>The Notification Form may be amended from time to time as needed. As such it is recommended that the form be downloaded from the website for each notification.</p>	2006/03/10
11 - 8	<p>Section 1 of the Notification Form contains a field for Date of Exceedence. We are unsure how to handle this field. The same field is contained in Section 6 where it makes sense. However, inclusion of this field in Section 1 doesn't make sense since it also then applies to Section 5. In our</p>	<p>There are several date fields on this form. The "Date Form Submitted" refers to the date that form is faxed to the MOE. The "Date of Exceedence" field is the date the approved air dispersion model run demonstrates an exceedence (see Question 11-1). For measured exceedences, this date should compare with date listed in section 6 of the Notification Form. It is strongly recommended that the Notification of Exceedence Form (5354e) which can be found on MOE internet site</p>	2006/03/10

No.	Question	Answer	Date Answered
	<p>case, the exceedence is calculated through the use of the Reg. 346 model for which there is no date of exceedence. We suggest that this field should be removed from Section 1 for clarity.</p>	<p><a href="http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm">http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm</a> be used by a company to notify a provincial officer as a result of modelled or measured exceedences of the standards in the Regulation or of discharges that may cause an adverse effect. Notice is required in writing.</p> <p>The Notification Form may be amended from time to time as needed. As such it is recommended that the form be downloaded from the web site for each notification.</p>	
11 - 9	<p>Section 4 of the Notification Form asks for Follow-up Action information. We are unsure what "types" of previously approved abatement plans exist. Could you provide some descriptors from which to choose?</p>	<p>The "follow-up" action field in the Notification Form requests types of previously approved abatement plans. As an example, a facility could refer to a legal instrument such order or another form of abatement plan which addresses the contaminant for which the limit has been exceeded and/or may have potential adverse effects.</p>	2006/03/10
11 - 10	<p>How do I notify the MOE of an exceedence?</p>	<p>Notification must be in writing. Please refer to Table 11.1. The MOE strongly recommends that you complete the Notification Form which can be found on the MOE internet site <a href="http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm">http://www.ene.gov.on.ca/envision/AIR/regulations/localquality.htm</a> and fax it in to your local District Office.</p>	2006/03/10
11 - 11	<p>Why is Section 7 of the Notification Form required for this notification of exceedences as there is no requirement set out in Regulation 419 nor in the EPA for "authorized" people to submit the information.</p>	<p>O. Reg. 419/05 requires "A person who discharges or causes or permits the discharge of a contaminant" to notify of exceedences. Section 7 of the Notification Form ensures that the person notifying has turned his mind to the legal requirements of the regulation.</p>	2006/03/10
11 - 12	<p>Can the Notification Form be supplied as an editable PDF rather than a protected PDF?</p>	<p>The MOE Notification of Exceedences Form has been updated to an editable PDF format so that it can be filled in electronically. The Notification Form may be amended from time to time as needed. As such it is recommended that the form be downloaded from the website for each notification.</p>	2006/03/10

No.	Question	Answer	Date Answered
11 - 13	Both Table 1 and 2 of the Notification Form should be modified such that the fields Location of Maximum, Land Use and others located at the top of the tables are moved to be headings of separate columns in the table. For our facilities in general, the maxima for each contaminant are modelled or measured at locations different from one and other. Otherwise we need to do individual Tables for each contaminant.	The Notification of Exceedence form has updated to accommodate submission of equivalent tables formatted by the Company to meet their specific reporting needs. This would allow incorporation of separate columns for Point of Impingement locations. The Ministry may also request additional information, as needed.	2006/03/10

#### Alteration of Standards

12 - 1	What can be done if a facility has reason to believe that it won't be able to meet an applicable standard (either because of the required use of a new model or because it is a new standard)?	If a facility is using the models in the Appendix to Regulation 346 and anticipates that it will exceed a new standard, it may use the new US EPA models and see if it can demonstrate compliance with Schedule 3 standard(s). If it can demonstrate such compliance, the facility may request a Notice from the Director under s.20(4). Note that even a facility that can't show compliance with Schedule 3 standards using the US EPA models, may request a Notice under s.20(4). Some facilities may be eligible to request an alternative standard under s. 32 of O. Reg. 419/05. Such requests are only available if (a) the facility has a new standard as its compliance point; or (b) the facility exceeds a standard because it is required to use one of the US EPA models listed in s.6(2) or a model specified by the Ministry under s.7. O. Reg. 419/05 was designed so that people can request an alteration of standards before the new standard/model applies to them. The regulation was designed this way so that the 'rules' were clear before the phase in date and that facilities have time to plan for the changes. Discrete windows of opportunity are provided according to section 32 of the regulation, a general overview of which is set out inTable12.1 below.	2005/12/08
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No.	Question	Answer	Date Answered
12 - 2	My facility is having difficulty complying with a new standard that has been added to Schedule 2. Section 32 only mentions Schedule 3, can I request an alternative standard?	A facility that cannot demonstrate compliance with a new Schedule 2 air standard (i.e. the contaminant is listed in Schedule 7 to O. Reg. 419/05) using the models in the Appendix to Regulation 346 is eligible to request an alternative standard. However, since all requests for alternative standards require the use of US EPA models for the substance that is the subject of the request, the facility will be requesting an alteration to a Schedule 3 standard. This means that if an approval is issued under s.32, that facility must demonstrate compliance with the alternative standard in the approval (using the US EPA models). An alternative standard approval may only be issued for up to 5 years (10 years in extenuating circumstances) which requires facilities to demonstrate continuous improvement and work towards demonstrating compliance with the Schedule 3 standard.	2005/12/08
12 - 3	My facility is having difficulty complying with existing standards using the models in the Appendix to Regulation 346 and is having difficulty complying with Ministry point of impingement guidelines. Does O. Reg. 419/05 allow me to use the alternative standard process?	No. Section 32 of O. Reg. 419/05 only contemplates altering standards when a facility is affected by a new standard in Schedule 7 or a new air dispersion model. If a facility is not affected by a new standard or a new dispersion model, it cannot request an alternative standard under this regulation. However, the process outlined in the Guideline for Implementation of Air Standards in Ontario (GIASO) [ <a href="http://www.ene.gov.on.ca/envision/gp/5166e.pdf">http://www.ene.gov.on.ca/envision/gp/5166e.pdf</a> ] may become a requirement at the discretion of the director. Section 1.4 of GIASO has a note that is reproduced below: "...the Ministry follows the Compliance Guideline F-2 and can request that a facility develop a plan to address identified issues and achieve compliance. ... Note: Elements of the process outlined in this GIASO may be considered in the development of an action plan for facilities dealing with exceedences of standards, guidelines or other possible adverse effects caused by the discharge of contaminants with no guidelines or standards. Participation in this process does not negate any additional responsibilities and actions that a facility may be subject to under applicable Acts and Regulations."	2005/12/08

No.	Question	Answer	Date Answered
12 - 4	Can I use the models in the Appendix to Regulation 346 when I request an alternative standard?	No. When making a request for an alternative standard under s.32, a facility is required to prepare a site-wide ESDM report. Under s.32(3) and s.32(16), the contaminant which is the subject of the request must be modelled using the US EPA models listed in s.6(2) (or specified under s.7, if applicable). While the facility is encouraged to use the approved US EPA models to model for all contaminants, it is possible to use the models in the Appendix to Regulation 346 (if applicable) to assess contaminants that are not the subject of the request. A facility may wish to continue to use the US EPA models for compliance purposes for all contaminants. To do so, the facility must ask for a notice under s.20(4). If issued, this notice would enable a facility to use the US EPA models to demonstrate compliance with Schedule 3.	2005/12/08
12 - 5	What if I've done a conservative ESDM report and I know that I will exceed a standard that will apply to my facility in the future - do I have to spend money and time doing a refined ESDM report? Can I just use the first ESDM report to request an alternative standard?	No. You must do a refined ESDM report in order to request an alternative standard. In order to determine the appropriate magnitude and duration of an alternative standard, it is vital that the most accurate information is available. Section 32(3) and 32(16) clarify that the models listed in s.6(2) or specified under s.7 must be used for a request for an alternative standard. Also, section 32(13) states that location, magnitude and frequencies of exceedences must be included in the request for an alternative standard. Because frequency information is required, site specific meteorological data must be used (see s.32(17)). If you have any questions, you should contact Standards Development Branch who administers this process.	2005/12/08
12 - 6	Assume it is June 2007 and my facility has determined that it won't be able to meet a Schedule 2 standard (which will apply to the facility after Feb 2010). I've applied for an alternative standard using the US EPA models as required by s.32. If approval is not given, which	A person must use the US EPA models to request an alternative standard [see s.32(16)]. If the alternative standard request is approved, the facility will have to use the US EPA models to demonstrate compliance with its alternative standard. However, if approval of the alternative standard is not granted, the facility will have to demonstrate compliance as if no request had been made (in the scenario described in the question, compliance would be	2005/12/08

No.	Question	Answer	Date Answered
	model do I use for compliance purposes?	assessed with the Schedule 2 standard using the models in the Appendix to Regulation 346). Note that section 20(4) can be used to request the use of the US EPA models to demonstrate compliance with Schedule 3 standards, if a facility wishes to use the new models before the regulation requires it.	
12 - 7	Assume it is June 2007 and my facility has determined that it won't be able to meet a Schedule 2 standard (which will apply to the facility after Feb 2010). I've applied for and obtained an alternative standard using the US EPA models as required by s.32. Which model do I use for compliance purposes (a) for the contaminant that has an approved alternative standard; and (b) for all other contaminants?	(a) Section 32(16) and (27) clarify that US EPA models (models listed in s.6(2) or specified under s.7, if applicable) are to be used to assess compliance with alternative standards. Therefore you must use the same model(s) to assess compliance of the contaminant for which an alternative standard was approved. (b) While the facility is encouraged to use the approved US EPA models to model for all contaminants, it is possible to use the models in the Appendix to Regulation 346 (if applicable – e.g. no order has been issued under 20(5)) to assess compliance for contaminants that are not the subject of the request. A facility may wish to continue to use the US EPA models for compliance purposes for all contaminants. To do so, the facility must ask for a notice under s.20(4). If issued, this notice would enable a facility to use the US EPA models to demonstrate compliance with Schedule 3.	2005/12/08
12 - 8	My facility only requires an alternative standard for one contaminant. Do I have to model for every contaminant at my facility?	<p>Yes. Section 32(13) requires that an ESDM report be completed in accordance with section 26. Section 26 requires that all contaminants be assessed in the ESDM report. Subsections 32(3) and (16) require that the contaminant that is the subject of the request be modelled using the approved dispersion models listed in s.6(2) or specified under s.7, if applicable. While the facility is encouraged to use the US EPA models to model for all contaminants, it is possible to use the models in the Appendix to Regulation 346 (if applicable) to assess contaminants that are not the subject of the request.</p> <p>A facility may wish to continue to use the US EPA models for compliance purposes for all contaminants. To do so, the facility</p>	2005/12/08

No.	Question	Answer	Date Answered
		must ask for a notice under s.20(4). If issued, this notice would enable a facility to use the US EPA models to demonstrate compliance with other contaminants in Schedule 3.	
12 - 9	What is the maximum duration of an approval for an alternative standard?	Section 32(28) states that an alternative standard must be for a period of up to 5 years. However, it goes on to state that it can be for a period of up to 10 years IF the Director is satisfied that there are extenuating circumstances. For more information, please refer to the Guideline on Implementation of Air Standards in Ontario ( <a href="http://www.ene.gov.on.ca/envision/gp/5166e.pdf">http://www.ene.gov.on.ca/envision/gp/5166e.pdf</a> .)	2005/12/08
12 - 10	Can a facility use s.32 to request an alternative standard after the windows set out in s.32 have expired?	Section 32(1) sets out the circumstances under which a person may request an alternative standard. In general terms, a facility may apply for an alternative standard only if the facility is affected by a new model (or a specified model) or if a facility is affected by a new standard. Request submitted outside of these timelines cannot be considered by the s.32 Director. See Table 12.1.	2005/12/08
12 - 11	If a new standard is added to the regulation in the future, and my facility can't meet the new standard, how will I know that I'll be given enough time to request an alternative standard?	Section 32(10) of O. Reg. 419/05 states that a facility will always have a period of time to request an alternative standard after a new standard is added to Schedule 7 of the regulation. You will be able to apply during the 12 months after the standard is introduced into the regulation; or, if it is a longer period, you will be able to apply in the time period that starts when the standard is introduced into the regulation and ends 18 months before the standard becomes effective.	2005/12/08
12 - 12	If I were to build a facility in 2018 would I be able to request an alternative standard or have I missed my window to apply?	Any new facility may request an alternative standard for a contaminant listed in Schedule 7. The request for an alternative standard must be concurrent with the initial Certificate of Approval application [see s.32(8)]. Also note that s.32(15) states economic reasons cannot be considered for new facilities.	2005/12/08

No.	Question	Answer	Date Answered
12 - 13	What is the deadline for requesting an alternative standard?	The answer to this question varies depending on the circumstance of the request for an alternative standard. Please refer to s.32(1) to (12) of O. Reg. 419/05. Also see table in Question 12.1. Finally, you may also refer to the Guideline for the Implementation of Air Standards in Ontario ( <a href="http://www.ene.gov.on.ca/envision/gp/5166e.pdf">http://www.ene.gov.on.ca/envision/gp/5166e.pdf</a> ) for information on this issue.	2005/12/08
12 - 14	My facility is requesting an alternative standard. If we opt to rank our options based on economic feasibility, do we have to rank on technical feasibility as well?	Yes. Section 32(13) para. 6 requires every request for an alternative standard to rank the technically feasible methods based on their ability to reduce contaminant concentration. If a facility chooses to include economic considerations, such a ranking would be in addition to ranking of technologically feasible methods. The "Guideline for the Implementation of Air Standards in Ontario" sets out that facilities may also present a ranking of options based on the risk score. Such a ranking is optional and is in addition to the regulatory requirement set out in the regulation.	2005/12/08
12 - 15	Our facility has a well-established Public Liaison Committee (PLC). Do we still have to follow the requirements for the public meeting set out in s.32?	Yes. All the requirements of s. 32 with respect to public meetings must be met even if there is a well established PLC. This allows others in the community to be aware that the company is contemplating a request for an alternative standard.	2005/12/08
12 - 16	What if an entire sector can't meet one of the standards in O. Reg. 419/05?	Section 32 of O. Reg. 419/05 requires that requests for alternative standards be made on an individual facility basis. However, where there are common barriers to compliance, the Ministry may accept certain portions of the request that have been completed on a sector basis (e.g. a sector-based technology benchmarking report). Again, please note that each and every facility that requires an alternative standard must apply on an individual basis. Facilities considering this approach must consult with the Ministry before relying on a sector-based technology benchmarking report. For more information, please see the Guideline for Implementation of Air Standards in Ontario (GIASO) [ <a href="http://www.ene.gov.on.ca/envision/gp/5166e.pdf">http://www.ene.gov.on.ca/envision/gp/5166e.pdf</a> ]. As well, it may in	2005/12/08

No.	Question	Answer	Date Answered
		<p>certain circumstances, be possible to hold a public meeting in combination with one or more other facilities in the same sector. Before proceeding with a joint public meeting, the facilities should consult with the Ministry to ensure the requirements of s.32(18)(19) and (20) are being met.</p>	
12 - 17	<p>If the technology barriers to meeting a standard are the same across an entire sector, can facilities rely on a common technology benchmarking report when requesting an alternative standard?</p>	<p>The regulation requires each facility to apply individually for an alternative standard. If the technology barriers to meeting a standard are the same across an entire sector, facilities may be able to rely on a common technology benchmarking report when requesting an alternative standard. Facilities considering this approach must consult with the Ministry before relying on a sector-based technology benchmarking report. For more information, please see Guideline for Implementation of Air Standards in Ontario (GIASO) [<a href="http://www.ene.gov.on.ca/envision/gp/5166e.pdf">http://www.ene.gov.on.ca/envision/gp/5166e.pdf</a>].</p>	2005/12/08
<b>Upper Risk Threshold (URT)</b>			
13 - 1	<p>Does every contaminant in O. Reg. 419/05 have an upper risk threshold?</p>	<p>No. Contaminants and their upper risk threshold are set out in Schedule 6 to the regulation.</p>	2005/12/08
13 - 2	<p>If I model using conservative estimates of operating conditions and emission rates and the model demonstrates an exceedence of an upper risk threshold in Schedule 6, do I have to notify anyone?</p>	<p>Yes. Section 30 of O. Reg. 419/05 requires that a person notify the Director immediately in writing if there is reason to believe, based on any relevant information (e.g. unrefined modelling, refined modelling, monitoring etc.), that discharges of the contaminant may result in the concentration of the contaminant exceeding an upper risk threshold listed in Schedule 6. Where a person is required to notify the Ministry of an exceedence of an upper risk threshold, the person must prepare an ESDM report in accordance with s.26 of O. Reg. 419/05 and submit it to the Director within three months of the discharge.</p> <p>Note that because you are exceeding an upper risk threshold, you are likely also exceeding a standard. If your information is based on monitoring or running an approved model, you must also notify a</p>	2005/12/08

No.	Question	Answer	Date Answered
		<p>provincial officer under s.28 and submit an abatement plan within 30 days of notifying the provincial officer. Section 28 requires notification of an exceedence if the use of an approved dispersion model indicates that there may be an exceedence. In order to "use an approved dispersion model" in accordance with the regulation, a person must follow the requirements of section 12. In this scenario, the facility is required to submit a refined ESDM report within 3 months of the exceedence of the upper risk threshold.</p>	
13 - 3	<p>I am trying to understand when the standards of Schedule 6 of Regulation 419/05 are coming into force. Are we to comply with these standards immediately if we find that there is a risk of exceedence or are they only going to start applying with the Schedule 3 phase-in period?</p>	<p>Schedule 6 values are not standards; they are Upper Risk Thresholds (URT). Upper Risk Thresholds have separate and distinct regulatory and notification requirements as set out in s.30 of O. Reg. 419/05 for the to Schedule 6 values. The requirements prescribed in s.30 took effect November 30, 2005. See also Question 13-2.</p> <p>Note: For further information regarding URTs for the following substances, please refer to Note 5a in the document entitled Summary of O. Reg. 419/05 Standards and Point of Impingement Guidelines &amp; Ambient Air Quality Criteria (AAQCs) which can be found on MOE's website at:  <a href="http://www.ene.gov.on.ca/envision/gp/2424e04.pdf">http://www.ene.gov.on.ca/envision/gp/2424e04.pdf</a></p> <p>Acrolein (107-02-8); Cyclohexane (110-82-7); HDI (882-06-0); Isopropanol (67-63-0); MDI (101-68-8); Methylene chloride (75-09-2); n-Hexane (mixture)(110-54-3); n-Hexane (n-Hexane and Hexane isomers only)(110-54-3); Perchloroethylene (127-18-4).</p> <p>For Hydrogen cyanide (74-90-8), please refer to Note 14 of the same document.</p>	2006/03/10

No.	Question	Answer	Date Answered
13 - 4	<p>There are both ½-hour and 24-hour averaging periods in Schedule 6. Does that mean that a facility governed by s.20 still has to assess a 1/2-hour emission rate and model that to show it does not exceed the 1/2-hour column or is that only for facilities governed by s.18 or s.19?</p>	<p>In general, persons governed by s.18 or s.19, must comply with all of the requirements of s.30 with respect to the ½ hr values listed in Schedule 6. In such cases, where s.30 of O. Reg. 419/05 is triggered, the person would be required to submit a contaminant-specific ESDM report within 3 months using the approved dispersion models listed in s.6(2). That ESDM would assess compliance with all Schedule 3 standards for that contaminant as well as whether or not the URT in Schedule 6 for that contaminant was exceeded using the 24 hr average concentrations.</p> <p>In general, persons governed by s.20 of O. Reg. 419/05 must comply with all of the requirements of s.30 with respect to the 24-hr values listed in Schedule 6. Note, however, that where a person is required to prepare an ESDM report under s.30, it will be assessed against Schedule 3 standards. In some cases, there may be more than one averaging time for a contaminant in Schedule 3. Compliance with all appropriate standards or guidelines for that contaminant must be assessed in the ESDM report.</p>	2006/03/10
13 - 5	<p>O.Reg. 419/05 Section 30(1) deals with Schedule 6, Upper Risk Thresholds. Subsection (2) indicates that section 30(1) is relevant if an approved or unapproved model is used. Does this mean that if a facility conducts AERMOD dispersion modelling for the purpose of assessing model impacts prior to 2010 and finds an upper risk threshold may be exceeded that this facility is subject to the requirements of 30(3) - Notification, 30(4) - prepare a report? AERMOD is considered an unapproved model prior to 2010 for the Schedule 4 target sectors.</p>	<p>The notification requirements under s.30 for Upper Risk Thresholds are different than the notification requirements under s.28 for POI limits. Please refer to s.30 of O. Reg. 419/05 for the regulatory requirements linked to Schedule 6 values. The requirements prescribed in s.30 took effect November 30, 2005. Results from any model (not necessarily the approved models for the facility) may be considered “any relevant information”, sufficient to trigger the requirements of s.30. See also Question 11-10.</p>	2006/03/10

No.	Question	Answer	Date Answered
13 - 6	We have notified the MOE of a potential exceedence of an upper risk threshold and now have 90 days to prepare an ESDM report that is in compliance with O. Reg. 419/05. Is this ESDM report specific only to the contaminant subject to the notification or must it include all significant contaminants at the facility?	Please refer to s.26(3) of O. Reg. 419/05, which states: "If a report is required by subsection 30 (4) to be prepared in accordance with this section, it is not necessary for the lists of contaminants required by paragraphs 2 and 4 of subsection (1) to include any contaminant other than the contaminant in respect of which the Director must be notified under subsection 30 (3)".	2006/03/10

#### Opacity and Obligations under Act; Failure to Operate in a Normal Manner

14 - 1	Section 31 Obligations under another Act: failure to operate in a normal manner – A review of this section would be appreciated.	This section sets out the ability to authorize exceedences that "occur as a result of an obligation arising under another Act or a failure to operate the stationary source of air pollution in the normal manner". These authorizations are only allowed if the failure to operate in the normal manner could not have been reasonably anticipated and the authorization must be for less than 3 months.	2005/12/08
14 - 2	Is there a requirement to report exceedences of opacity that occur due to operating in the normal manner?	Yes. Section 34 sets a clear level for opacity. If a facility is over this level, they must report it under s.13 of the EPA. Also note that any reporting requirements in a Certificate of Approval remain a legal obligation, despite the changes to the regulation. In addition, if the opacity exceedence is due to failure to operate the normal manner and that failure could not have been reasonably anticipated then such exceedences would have to be reported under s.35 of O. Reg. 419/05.	2005/12/08

*While every effort will be made to ensure the accuracy of the information and responses provided, such information or responses should not be construed as, nor does it constitute, legal or technical advice and should not be relied on as such. Information or responses provided to you may not be applicable to your facility's specific circumstances. It is recommended that you consult with an engineer, a consultant, a lawyer and/or any other appropriate professionals for technical, legal and professional advice and professional assurance that the information provided to you, and your interpretation of it, is appropriate to your particular situation and is in accordance with regulatory requirements. It is important to note that in the event of conflict between the information provided in response to an inquiry and the requirements contained in Ontario Regulation 419/05 or any other applicable law, then the regulatory requirements and/or law will prevail.*

## **ATTACHMENT To Regulation 419/05 Questions and Answers - Rounds 1 and 2 -**

**Table 5.2**

<b>Type of Facility</b>	<b>Nov. 30, 2005</b>	<b>Feb. 1, 2010</b>	<b>Feb. 1, 2013</b>	<b>Feb. 1, 2020</b>
Existing Facility that is not in Schedule 4 or 5	s.18 346 Models Schedule 1	s.19 346 Models Schedule 2	s.19 346 Models Schedule 2	s.20 US EPA Models Schedule 3
Existing Facility that is in Schedule 4	s.18 346 Models Schedule 1	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3
Existing Facility that is in Schedule 5	s.18 346 Models Schedule 1	s.19 346 Models Schedule 2	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3
New Facility that is not in Schedule 4 or 5	s.18 346 Models Schedule 1	s.19 346 Models Schedule 2	s.19 346 Models Schedule 2	s.20 US EPA Models Schedule 3
New Facility that is in Schedule 4 or 5	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3
Facility requesting and obtaining a s.20(4) Notice	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3
Facility given a s.20(5) Order	N/A	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3	s.20 US EPA Models Schedule 3

**Table 6.6**

<b>Who Must Prepare an ESDM</b>	<b>When Must the ESDM Completed?</b>	<b>Is an Annual Update Required?</b>	<b>Section</b>
Facility in sector listed in Schedule 4	Feb 1, 2010	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> .	23(1); 25(1); 25(2); 25(8)
Facility in sector listed in Schedule 5	Feb 1, 2013	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> .	23(2); 25(1); 25(2); 25(8)
Facility in sector listed in Schedule 4 that requests a "speed up" notice under s.20(4)	Feb 1, 2010	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> .	23(1); 25(1); 25(2); 25(8)
Facility in sector listed in Schedule 5 that requests a "speed up" notice under s.20(4)	Feb 1, 2013	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> .	23(2); 25(1); 25(2); 25(8)
New Facility in sector listed in Schedule 4 or 5	With CofA application.	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> .	22(1); 25(3); 25(4); 25(7); 25(8)
Facility applying for a CofA	With the CofA application, unless the Director is satisfied that the impact of discharges of contaminants can effectively be evaluated by other methods.	No.	22
Facility that requests an Alternative Standard	With the request for an Alternative Standard.	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> <u>unless</u> the Director is satisfied that discharges of contaminants from the property will not result in a contravention of section 18, 19 or 20 and is not likely to cause an adverse effect.	32(13); 25(5); 25(6); 25(7); 25(8)
Facility that exceeds an Upper Risk Threshold	3 months after the discharge.	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> <u>unless</u> the Director is satisfied that discharges of the contaminant will not result in a contravention of section 18, 19 or 20 and will not cause an adverse effect.	30(4); 25(5); 25(6); 25(7); 25(8)
Facility that receives Notice from Director to do an ESDM	Within the timeframe set out in the Notice.	Yes. The update must be accurate to Dec 31 <sup>st</sup> each year and must be completed by the following March 31 <sup>st</sup> <u>unless</u> the Director is satisfied that discharges of contaminants from the property will not result in a contravention of section 18, 19 or 20 and is not likely to cause an adverse effect.	24(1); 25(5); 25(6); 25(7); 25(8)

**Table 11.10**

Reason for Notification	Notification Trigger	When Notification Must be Made	Section of Reg. 419/05	Section of the EPA
Exceedence of a Limit	<p>-every time monitor shows there may be exceedence of a limit or adverse effect</p> <p>- every time an approved dispersion model is “used” (see s.12) and shows there may be an exceedence of a limit or adverse effect</p>	as soon as practicable in writing to a provincial officer	28	13 (limit exceedence) 15 (adverse effect)
Exceedence of a Limit during a delayed annual ESDM update	- started to use an approved dispersion model for the purpose of completing an ESDM update but has not yet complied with section 12 and ESDM shows an exceedence of a limit or adverse effect	as soon as practicable in writing to a provincial officer	25(9)	13 (limit exceedence) 15 (adverse effect)
Exceedence of an Upper Risk Threshold Limit	- any relevant information that shows there may be an exceedence of a limit or an adverse effect	Immediately in writing to a provincial officer	30(3)	13 (limit exceedence) 15 (adverse effect)
Exceedence of a Limit due to a failure to operate in the normal course or obligation under other Act	- an exceedence of a limit or an adverse effect may occur as a result of an obligation arising under another Act or an unanticipated failure to operate the stationary source of air pollution in the normal manner	Immediately notify a provincial officer and furnish the particulars in writing as soon as practicable	31	13 (limit exceedence) 15 (adverse effect)
Exceedence of an Opacity Limit due to a failure to operate in the normal course or obligation under other Act	- an opacity contravention may occur as a result of an obligation arising under another Act or an <u>unanticipated</u> failure to operate the stationary source of air pollution in the normal manner	Immediately notify a provincial officer and furnish the particulars in writing as soon as practicable	35	13 (limit exceedence) 15 (adverse effect)

**Table 12.1**

<b>Request Scenario</b>	<b>Opportunity to Request an Alternative Standard</b>
A facility within a sector identified in Schedule 4 is affected by a new model.	February 1, 2007 – October 31, 2008
A facility within a sector identified in Schedule 5 is affected by a new model.	February 1, 2010 – October 31, 2011
A facility that is not in Schedule 4 or 5 is affected by a new model.	February 1, 2013 – October 31, 2017
An existing facility is affected by a new standard in Schedule 7.	February 1, 2007 – October 31, 2008
A new facility is affected by a new standard in Schedule 7.	Concurrent with initial Certificate of Approval application
A new or existing facility is affected by a new standard added to Schedule 7 in the future.	18 months before the new standard comes into effect or 12 months after the new standard is introduced, which ever is longer
A facility is affected by the Director specifying which model to use under s.7 (note that after February 1, 2020, facilities are only able to request an alternative standard if the Director specifies a model not listed in s.6(2)).	Within 3 years of the Director giving the notice
A facility is affected by the Director “speeding up” the application of the new standards/models according to s. 20(4) or 20(5).	Within 3 years of the Director giving the notice