

Air Monitoring, Public Welfare and Public Participation

Oct 26, 2016

A&WMA Monitoring Conference

Waterloo

Ellen Schwartzel

Deputy Environmental Commissioner



Environmental
Commissioner
of Ontario



Overview

- Monitoring and public welfare
- The Public: Your Partner??
- *Environmental Bill of Rights*



Who is the ECO?

- Impartial and Independent
- Guardian of *EBR*
- Watchdog on
 - Energy conservation
 - Greenhouse gas emissions (climate)
 - Environmental protection



Environmental Commissioner of Ontario

- Impartial
- Officer of the Legislature
- Environmental watchdog
- Dianne Saxe

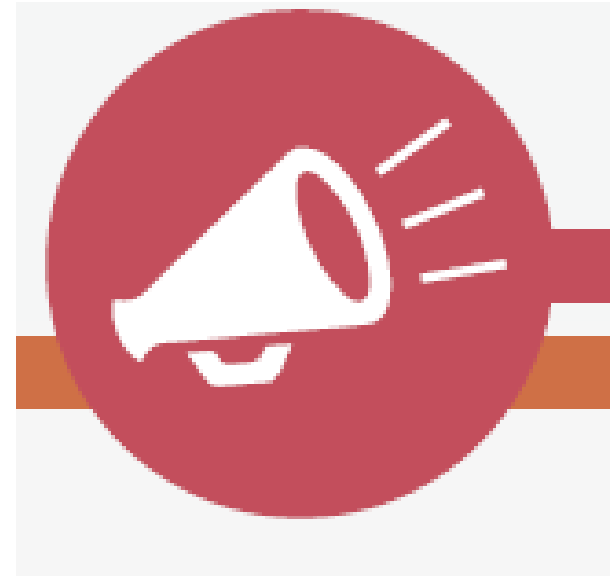


Tools

- Flashlight
- Can opener
- Megaphone

- Watchdog, not police dog

- Very unusual role

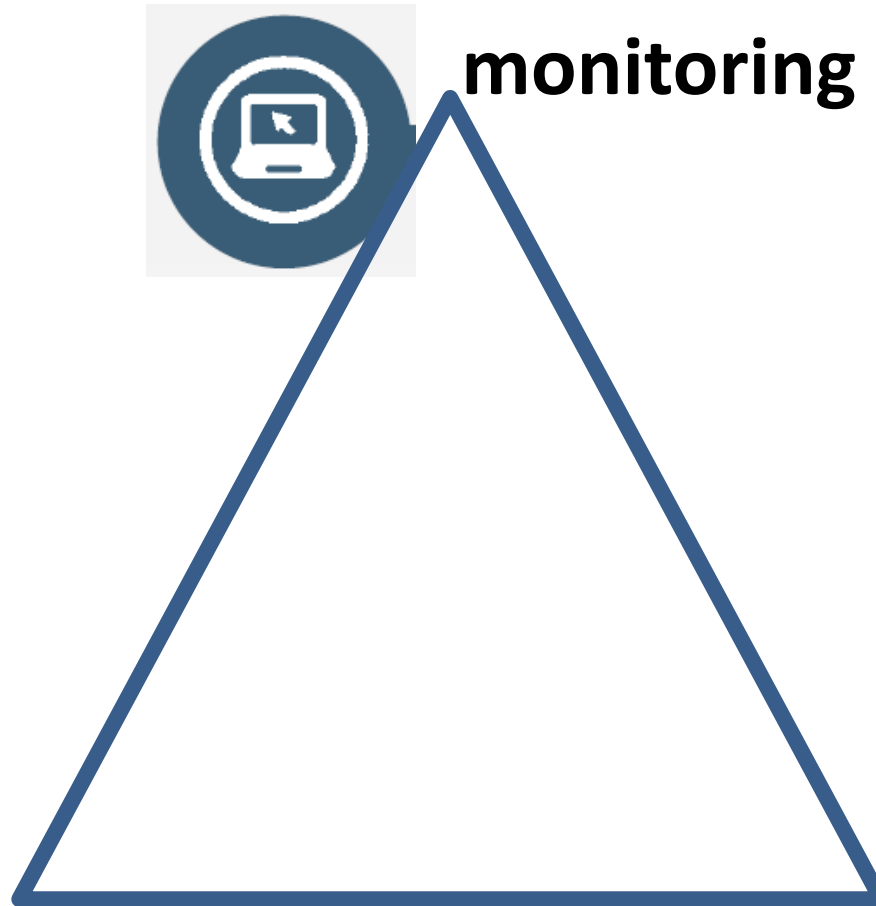


Your Work is Important

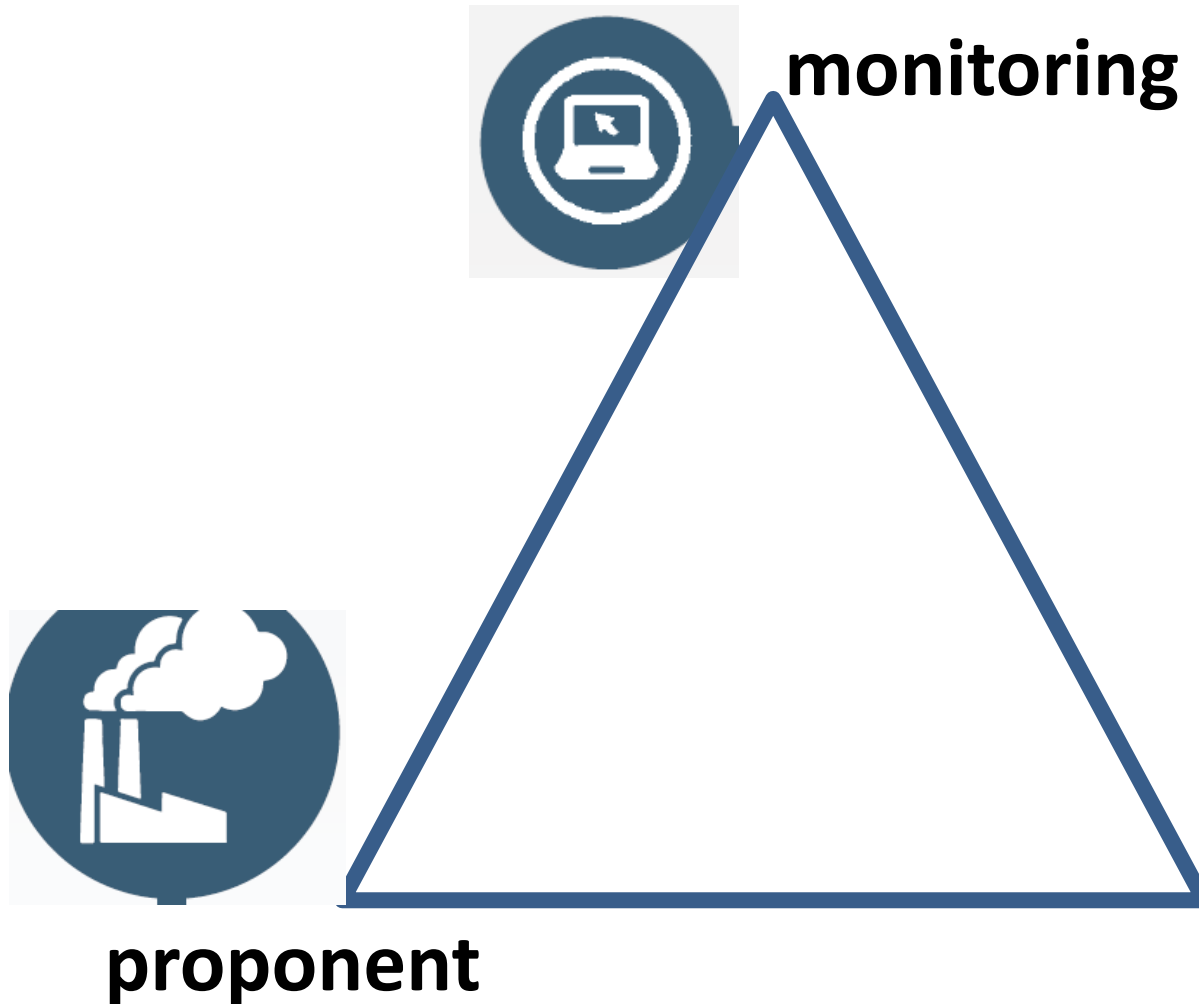
- Air quality
- Noise
- Health and Safety
- Quality of Life
- Land Use Planning



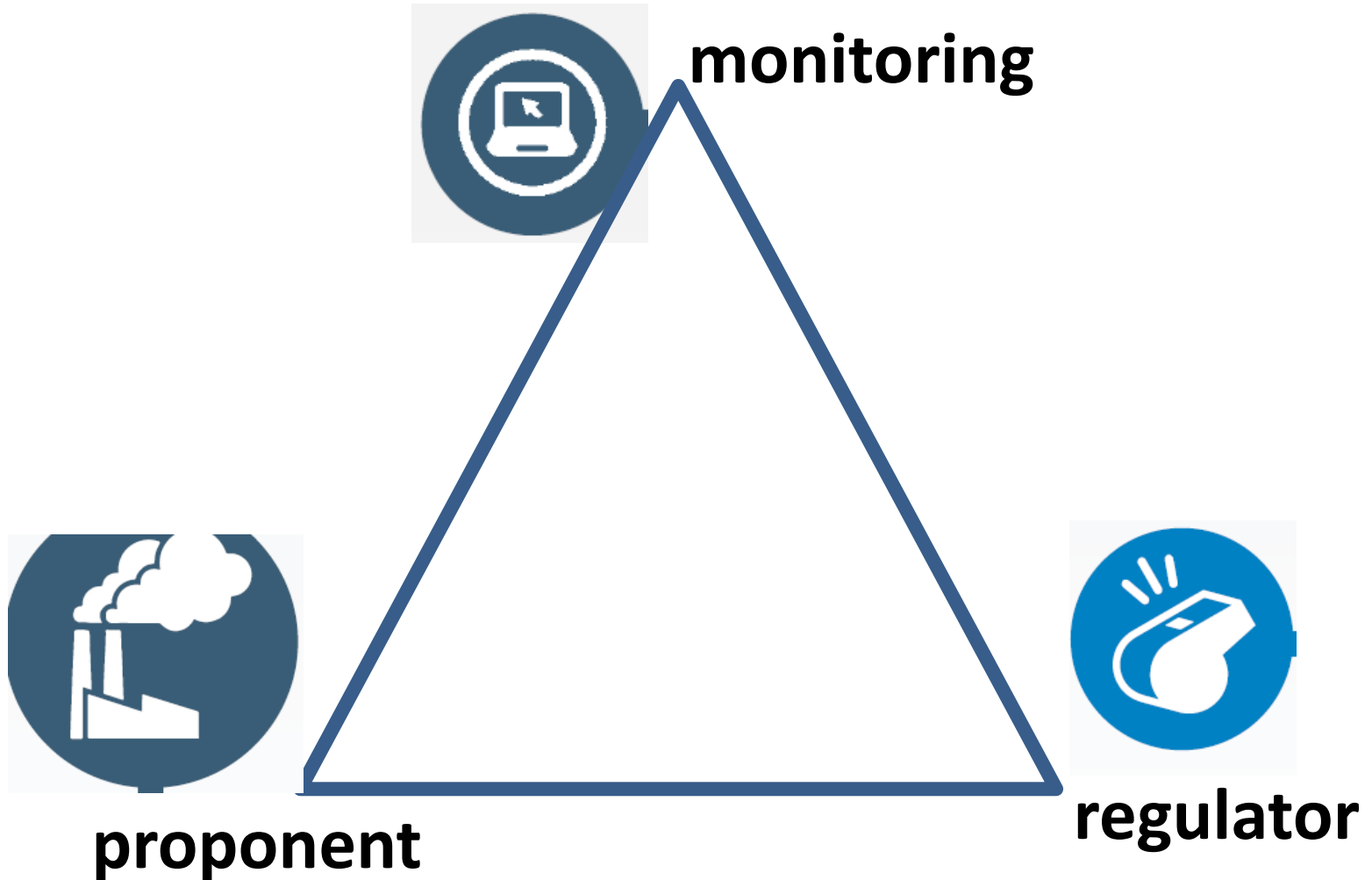
Monitoring and Public Welfare



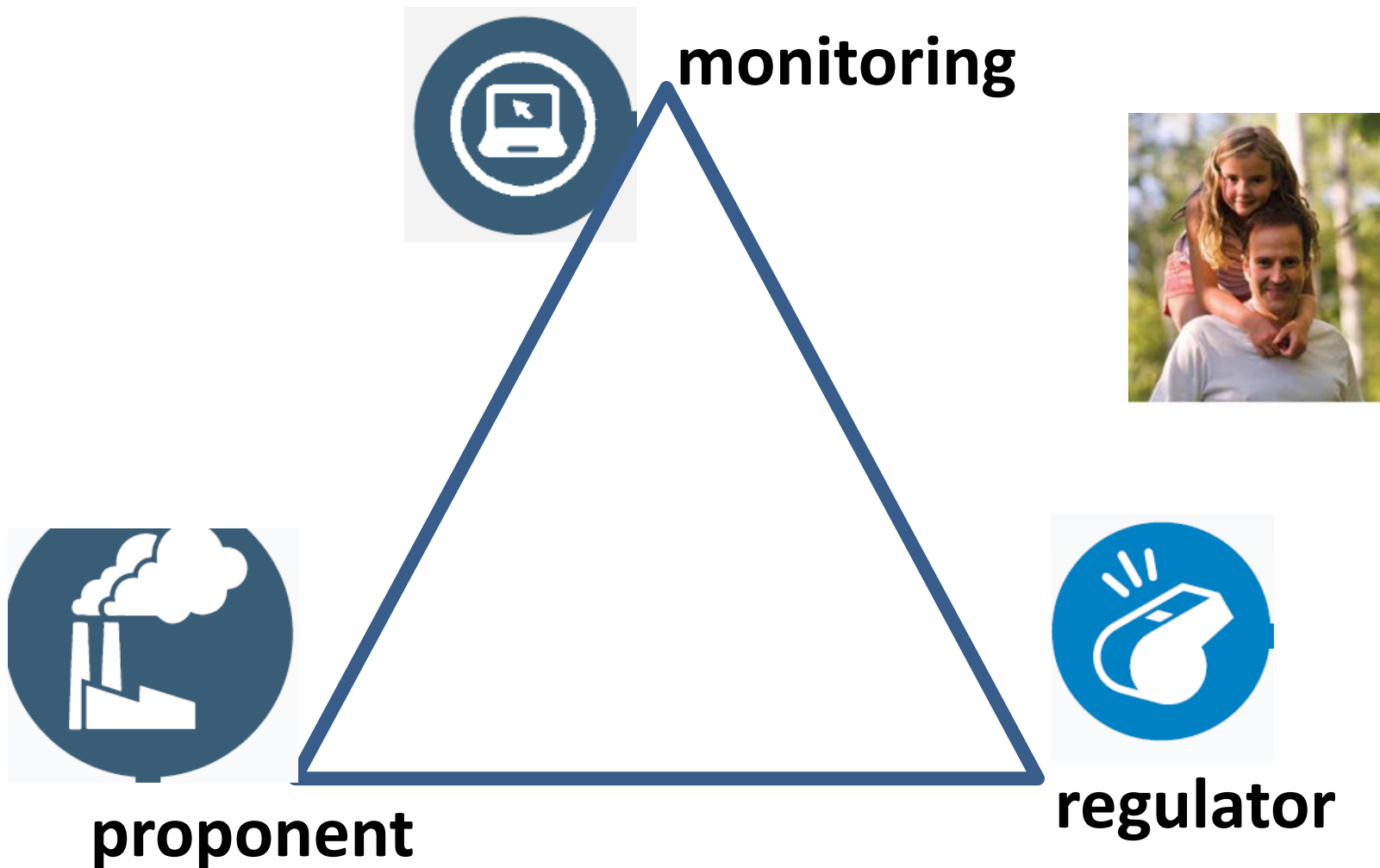
Monitoring and Public Welfare



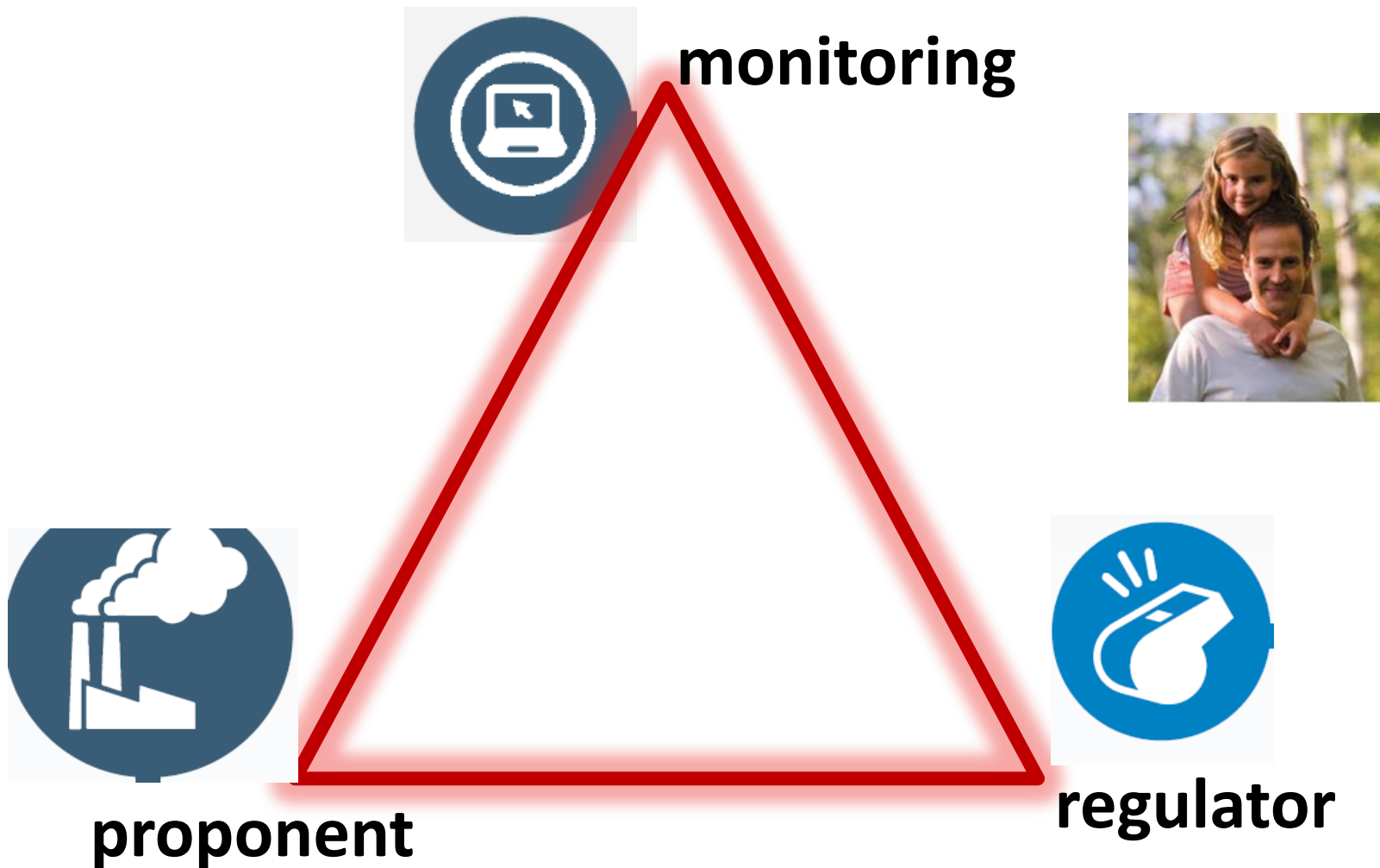
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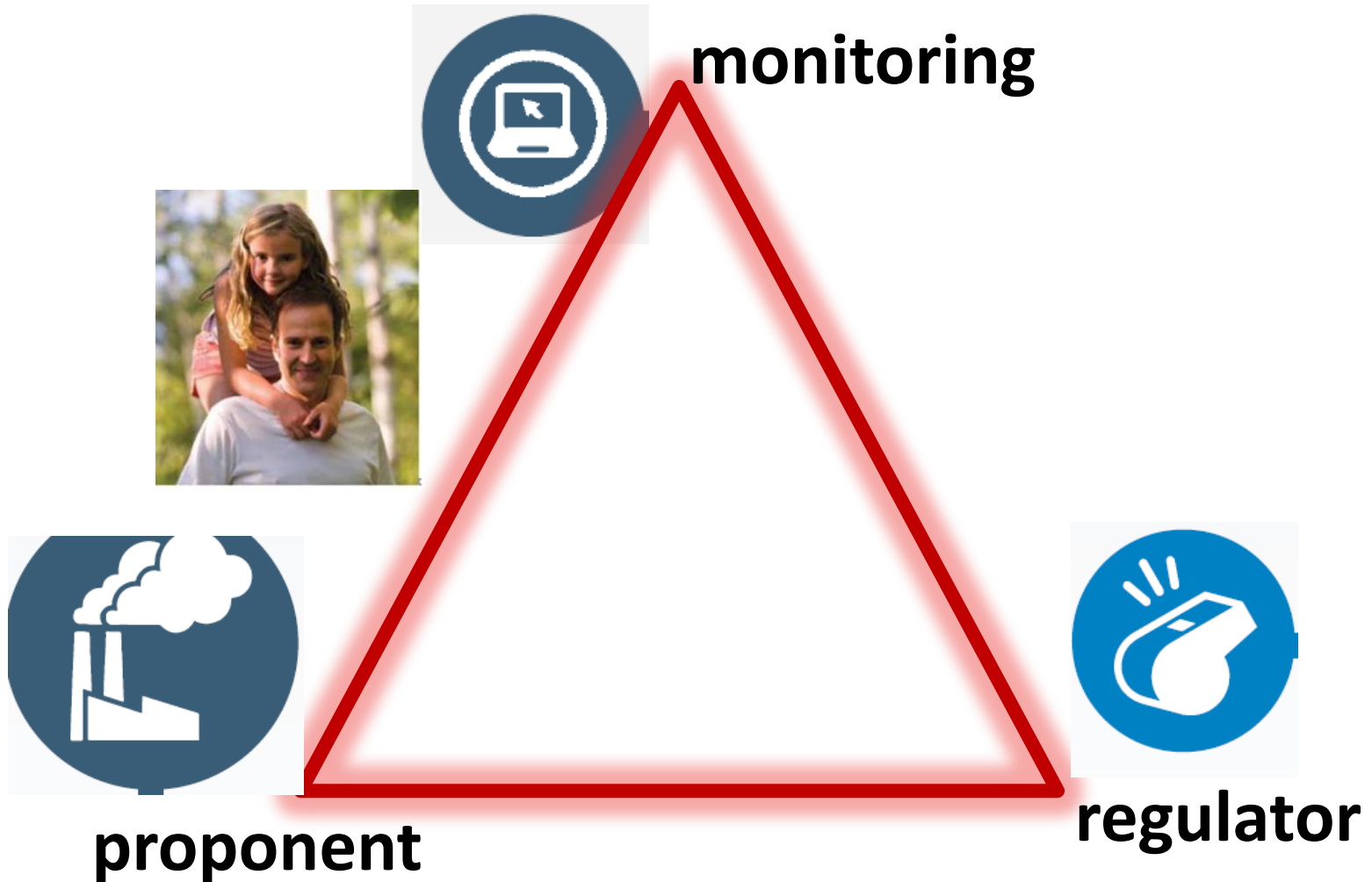
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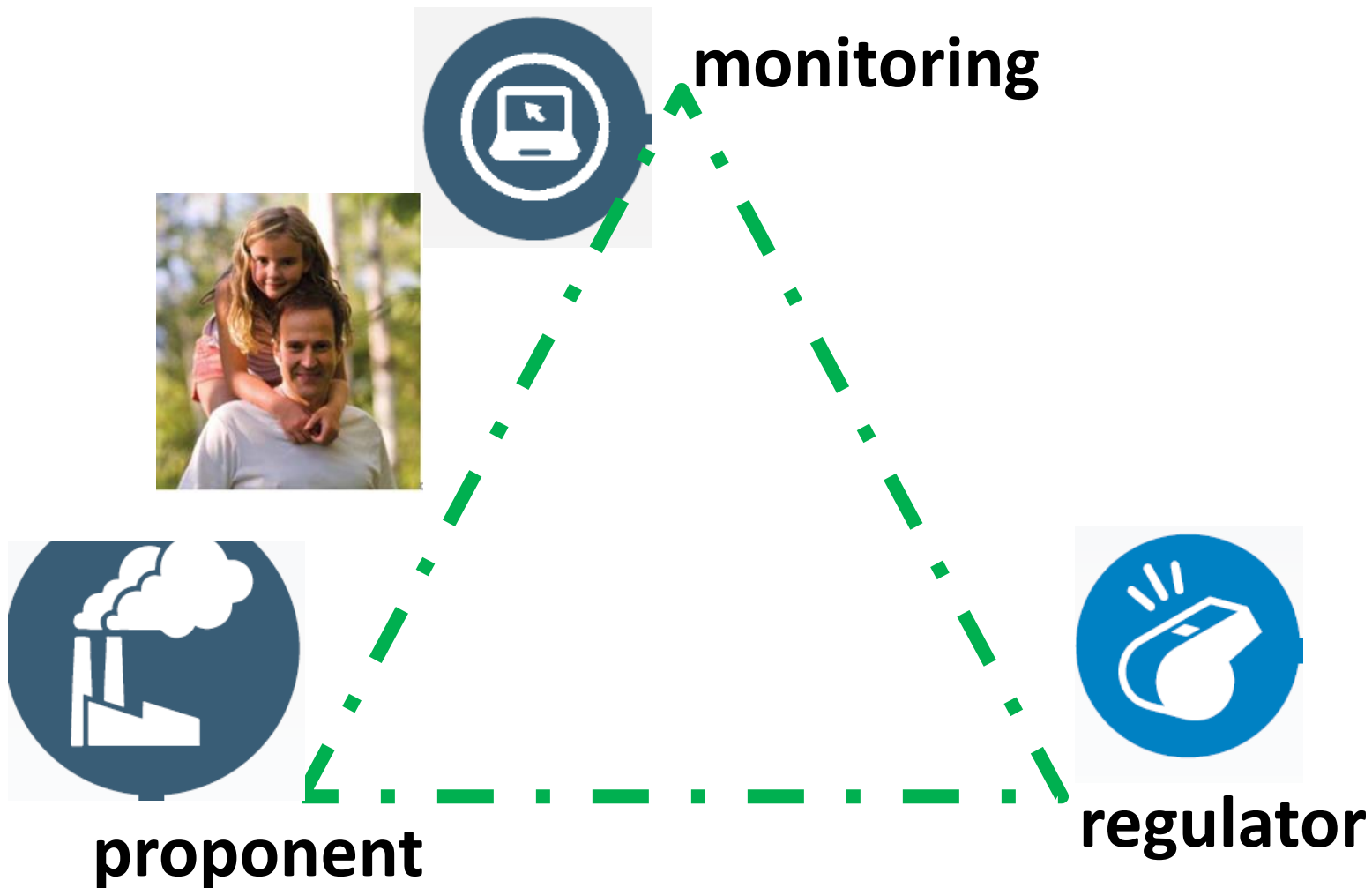
Monitoring and Public Welfare



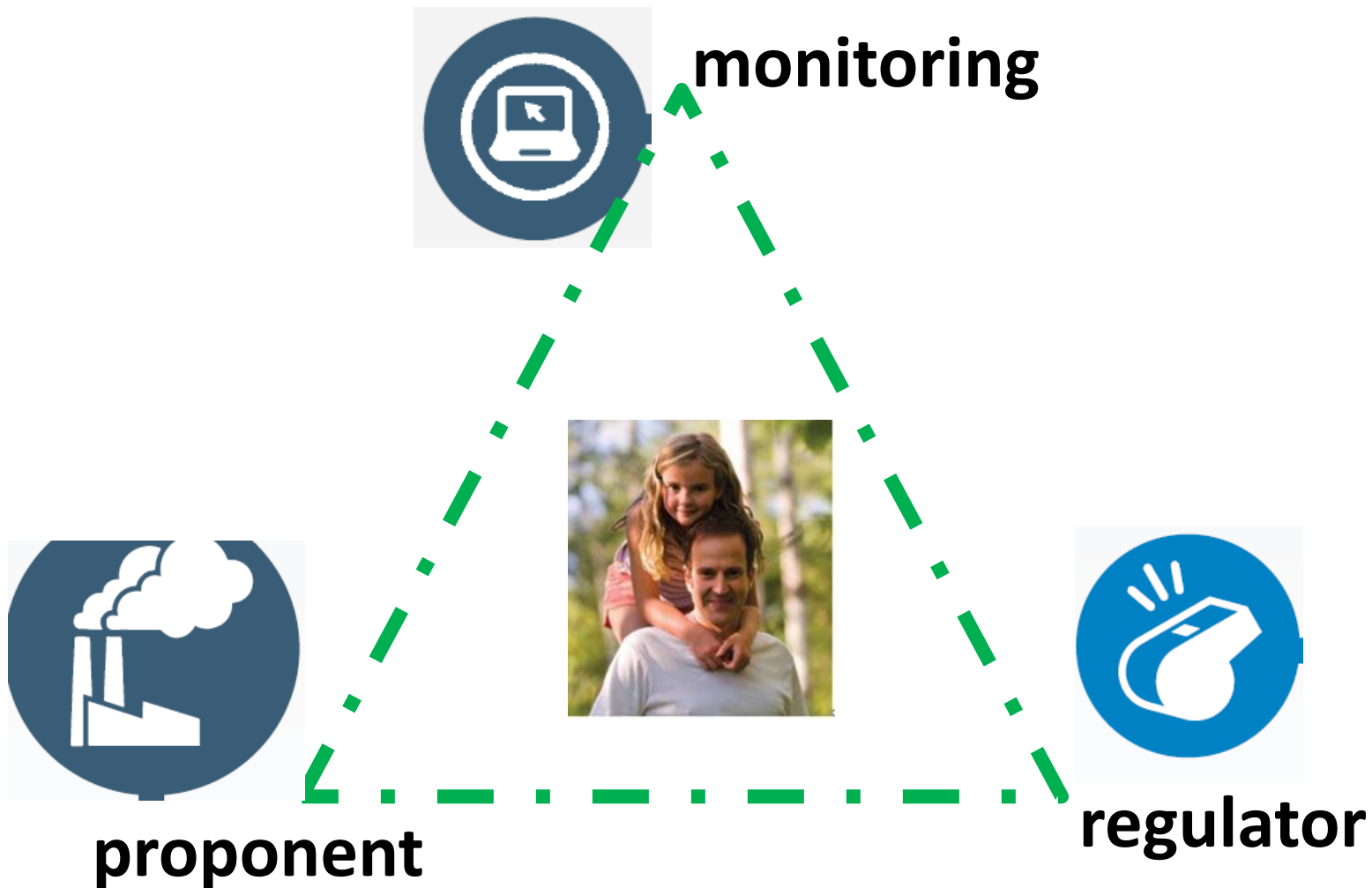
Monitoring and Public Welfare



Monitoring and Public Welfare



Monitoring and Public Welfare



Monitoring and Public Welfare

Your day-to-day priorities:

Monitoring and Public Welfare

Your day-to-day priorities:

- get equipment to work
- crunch data
- complete report
- satisfy client



Monitoring and Public Welfare

Your client's priorities:

Monitoring and Public Welfare

Your client's priorities:

- meet standards
- stay within budget
- improve production
- avoid complaints



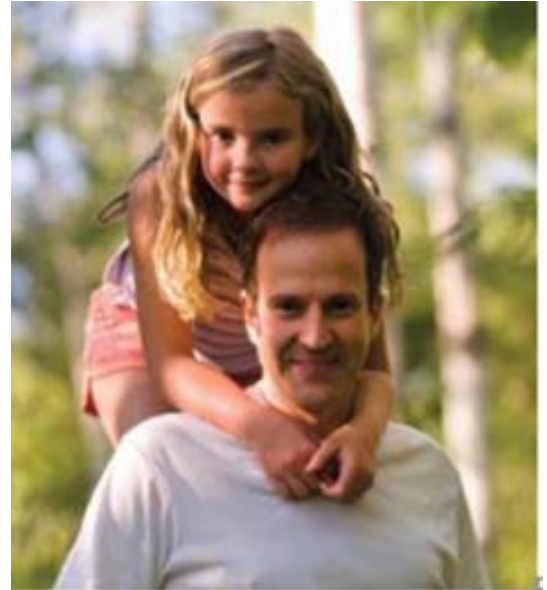
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The public's priorities:

Monitoring and Public Welfare

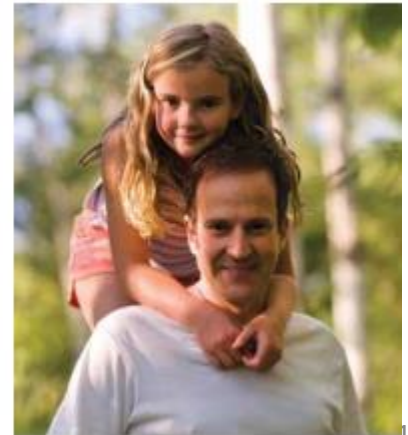
The public's priorities:

- live their busy lives
- assume they are protected



Monitoring and Public Welfare

Why engage the public?



Monitoring and Public Welfare

Why engage the public?

- two-way information sharing
- code of ethics
- corporate green leadership
- rising expectations: social licence
- anticipate and prevent
- law requires it

Two-way Information Sharing

Public knows their community

Location-specific Information

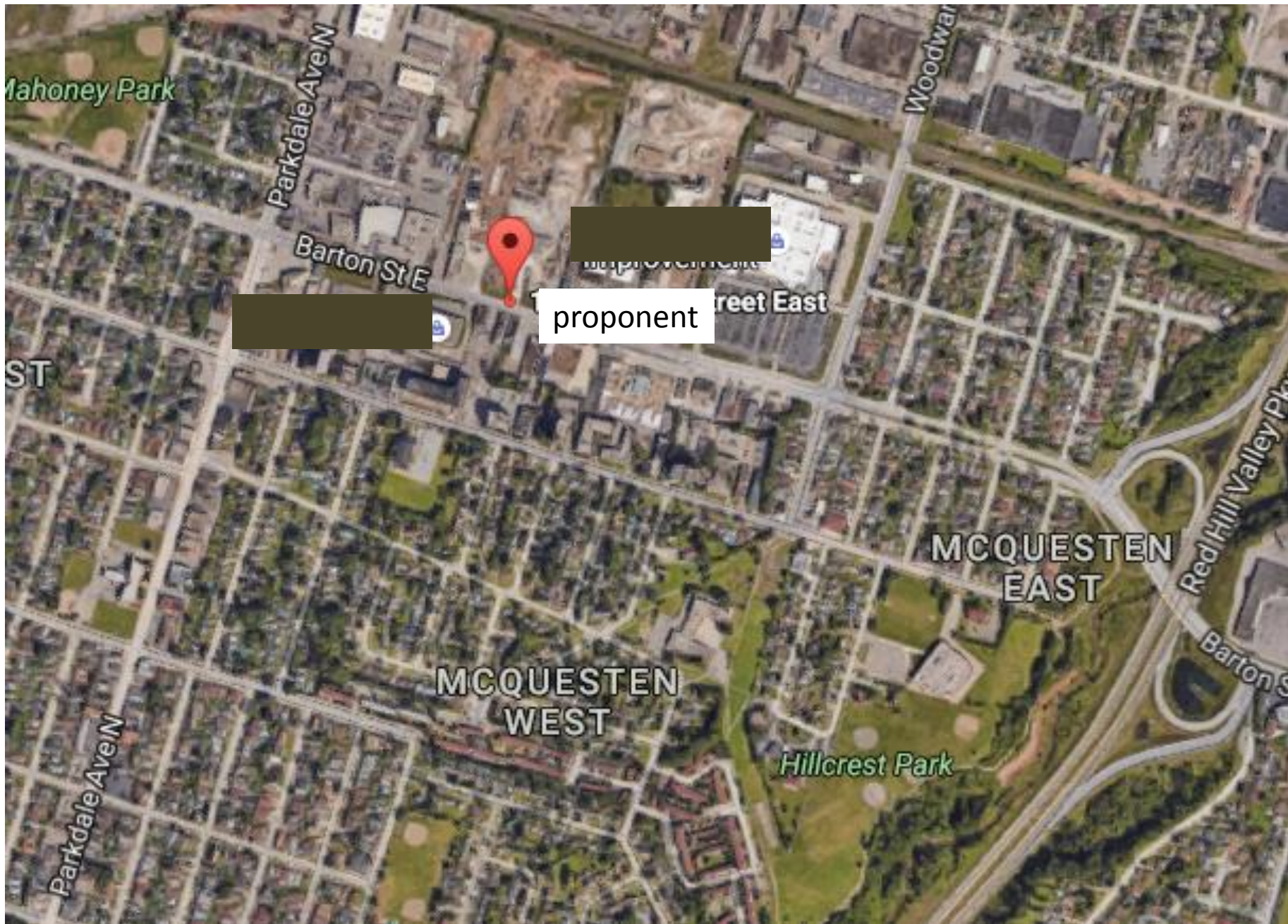
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Contextual Information

=

Better Decision Making





Two-way Information Sharing

- ECA (Air & Noise) application for cement mixing
- Met air and noise requirements
- But: public comments showed dust affecting nearby schools
- Result: MOECC added dust control conditions
- = Safer schools

Code of Ethics



“A practitioner shall regard the practitioner's duty to public welfare as paramount”

Rising Expectations

- Social licence:
 - What is it?
 - Who needs it?
 - How to get it?
- Why isn't government say-so enough?

Decline of Deference

- Huge change in 40 years
- Expectation:
 - Transparency
 - Accountability
 - Meaningful opportunity to be heard



Without Public Participation

- Will the public accept your decisions?
- Can business rely on your decisions?
- Will courts/ ERT uphold your decisions?
- Will your decisions be good for public welfare?

What the Law Requires:

Environmental Bill of Rights, 1993

- Obligations for government
- Tools for citizens
 - Public Participation
 - Transparency
 - Accountability

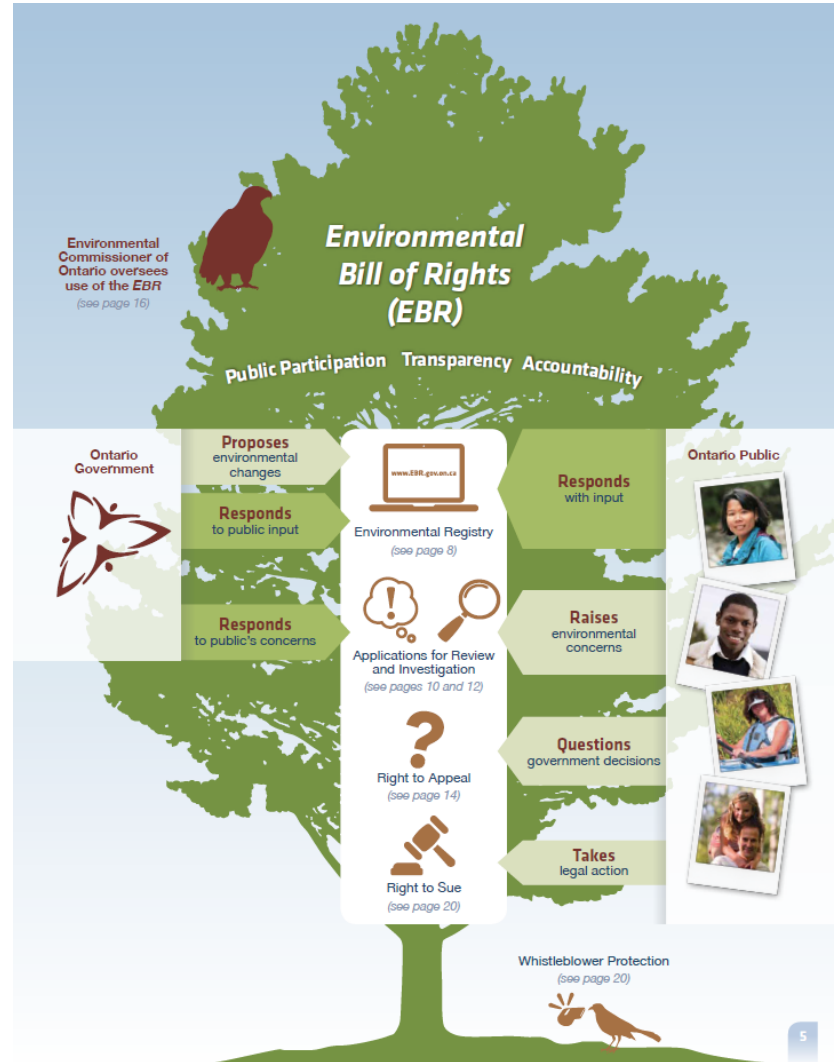


Why the *EBR*?

- Environment is too important:
 - Not just up to government
 - Not just up to the MOECC

EBR Toolbox

- Environmental Registry
- Applications for Review and Investigation
- Appealing Instruments
- Legal Rights



Environmental Registry

- Public right to:
 - notice, information and comment
 - have comments considered
 - know final decision
 - seek leave to appeal
- Badly needs upgrading
- See our wish list: ECO's blog May 9, 2016



Does the Registry Work?

- Sometimes
- Not always the right question
- Not always enough participation for public
- Responses not always useful to ministry staff

Does the Registry work?

Cursory descriptions of emissions;

“Contaminant emissions to the atmosphere are nitrogen oxides and particulate matter.”

Does the Registry Work?

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Hamilton District Office
119 King Street West
Floor 9
Hamilton Ontario
L8P 4Y7
Phone: (905) 521-7650
Toll Free Phone: (800) 668-4557

Making the Registry Work

- Proposal notices that are:
 - Timely
 - Complete
 - Supporting information?
 - Understandable
- Decisions that are:
 - Timely
 - Responsive
 - Understandable



Making the Registry Work

Rising Expectations:

Informed public comments depend on:

- plain language explanations
- context
- links to supporting technical information

Update the Registry Software



Our Registry Alert Service



YOUR RIGHTS

Under the *Environmental Bill of Rights*, Ontarians have a right to know about — and have a say in — government decisions that affect the environment.

WANT TO HAVE A SAY IN GOVERNMENT DECISIONS?	HAVE AN IDEA TO IMPROVE ENVIRONMENTAL PROTECTION?	THINK SOMEONE IS BREAKING THE LAW?
		
COMMENT ON REGISTRY PROPOSALS	ASK FOR A REVIEW	ASK FOR AN INVESTIGATION

CLIMATE, ENERGY, ENVIRONMENT

We report on compliance with the *Environmental Bill of Rights*, and Ontario's progress on climate change, energy conservation, and other environmental issues.

WANT TO READ OUR REPORTS?	INTERESTED IN A SPECIFIC ENVIRONMENTAL TOPIC?	HAVE AN ENVIRONMENTAL PROBLEM NOW?
		
VIEW REPORTS	VIEW THE TOPICS	CLICK HERE TO INQUIRE



WHO WE ARE

The Environmental Commissioner of Ontario (ECO) is an independent officer of the Legislature who reports on government progress on climate change, energy and environmental issues. The ECO is the province's environmental watchdog and champion of Ontario environmental rights.

[LEARN MORE ABOUT THE COMMISSIONER](#)



ENVIRONMENTAL REGISTRY		CONNECT WITH US	
VISIT THE REGISTRY	GET REGISTRY NOTICES THAT INTEREST YOU	GET ECO UPDATES	LET'S HEAR FROM YOU
GO NOW	SIGN UP	SIGN UP	SHARE NOW

**When concerns persist, the public
can request enforcement:**

Applications for Investigation



Applications for Investigation

- If you believe someone has contravened or violated a prescribed Act, regulation or instrument, you can ask the government to investigate

Noise, vibration or air emissions



Applications for Investigation

Ministries accept ~37% of these requests:

Applications for Investigation

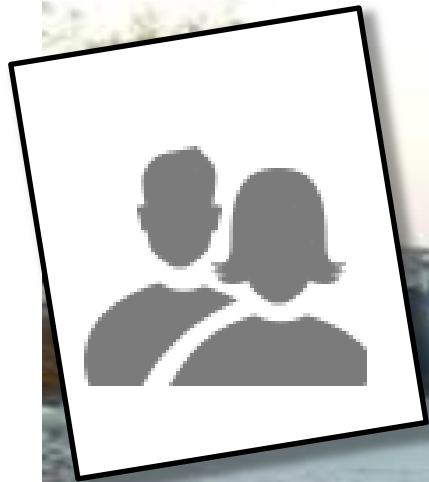
Ministries accept ~37% of these requests:

- Charges
- Provincial Officers' Orders

Applications for Investigation

- Legislation most cited:
 - *Environmental Protection Act* (65%)
 - Section 14 – Prohibits discharge of a contaminant into the natural environment that causes an adverse effect, including:
 - Injury or damage to property or plant/animal life
 - Harm or material discomfort
 - Loss of enjoyment of normal use of property
 - Interference with normal conduct of business

Application for Investigation – Example



REQUESTED

Dust and noise emissions

Ministry of the
Environment



- Charges laid: 2012
- Conviction: 2015
- Fine: \$350,000
- Victim surcharge: \$87,500

Example: Eganville Quarry

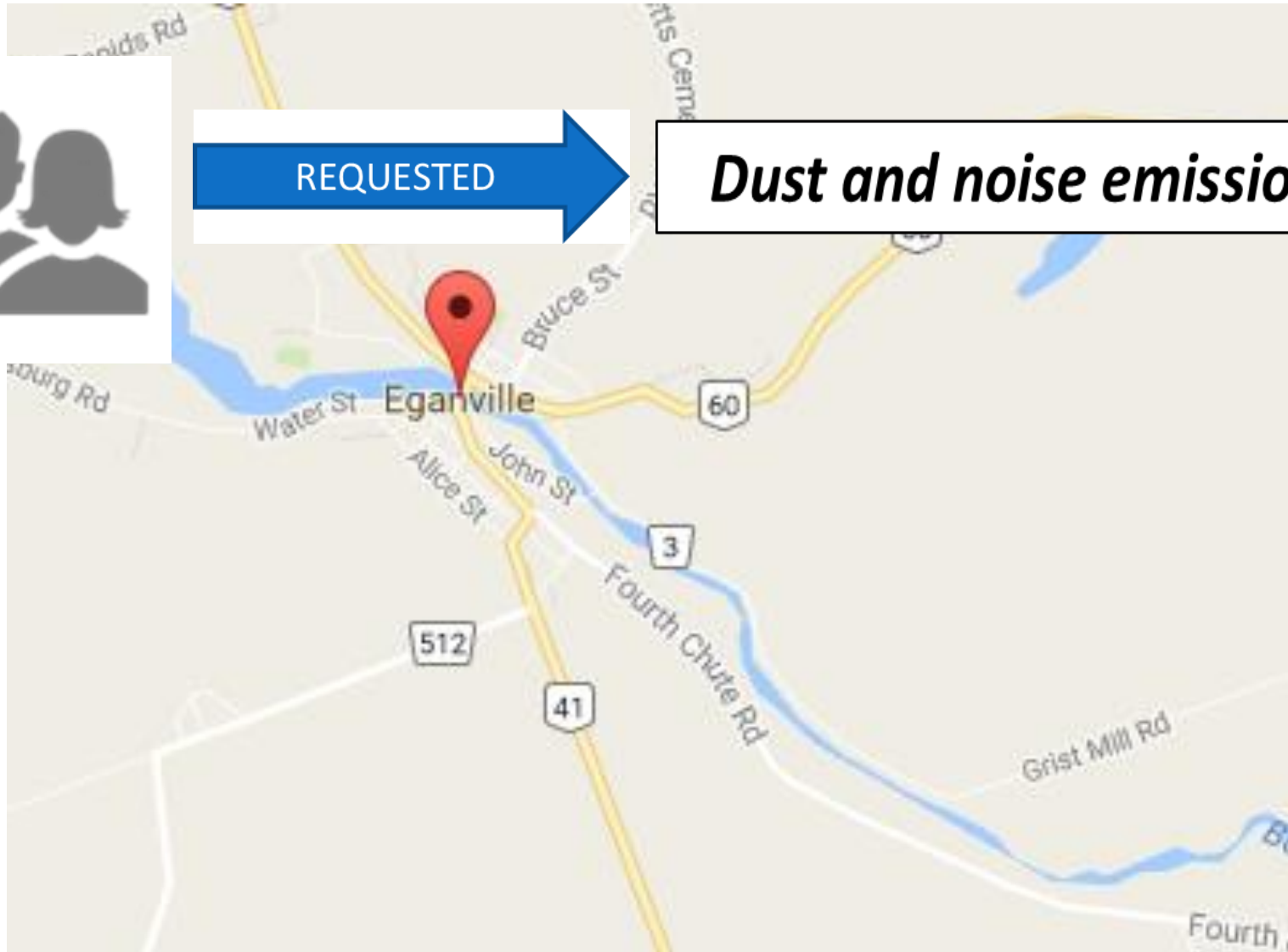


Example: Eganville Quarry



REQUESTED

Dust and noise emissions



Example: Eganville Quarry



On or about May 16/15 in the quarry beside us, they began to extract rock about 200m from our house. The noise was so loud that you could clearly hear it in the house. The alleged contravention is noise. There is nothing in place to protect us except a few trees.....



Application for Investigation Example 2015



Application for Investigation

Example 2015



Application for Investigation Example 2015



REQUESTED

Investigate air pollution
release by Shell Canada



Ministry of the Environment
and Climate Change

Application for Investigation Example 2015



Situation is “truly shameful”

Application for Investigation Example 2015



Application for Investigation Example 2015



MOECC laid Charges: 2015
Conviction: 2015
Fine: \$500,000
Victim Surcharge: \$125,000

Application for Investigation Example 2015



MOECC laid Charges: 2015
Conviction: 2015
Fine: \$500,000
Victim Surcharge: \$125,000
+ probation order: \$200,000

Advantages of the *EBR* Application process

- The ministry must follow required timelines
- The ECO's independent review
- The ECO's report to the Ontario Legislature

Improving *EBR* Compliance

- Commitment Letters
- Obsolete notices
- Overdue reviews
- “Report Cards”

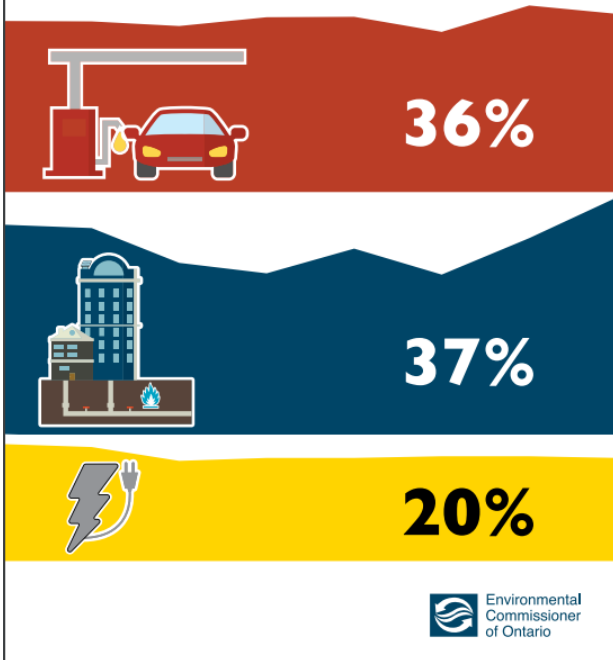


Really Good Reports

ENERGY CONSERVATION

Conservation: Let's Get Serious

Annual Energy Conservation Progress Report – 2015/2016



CLIMATE

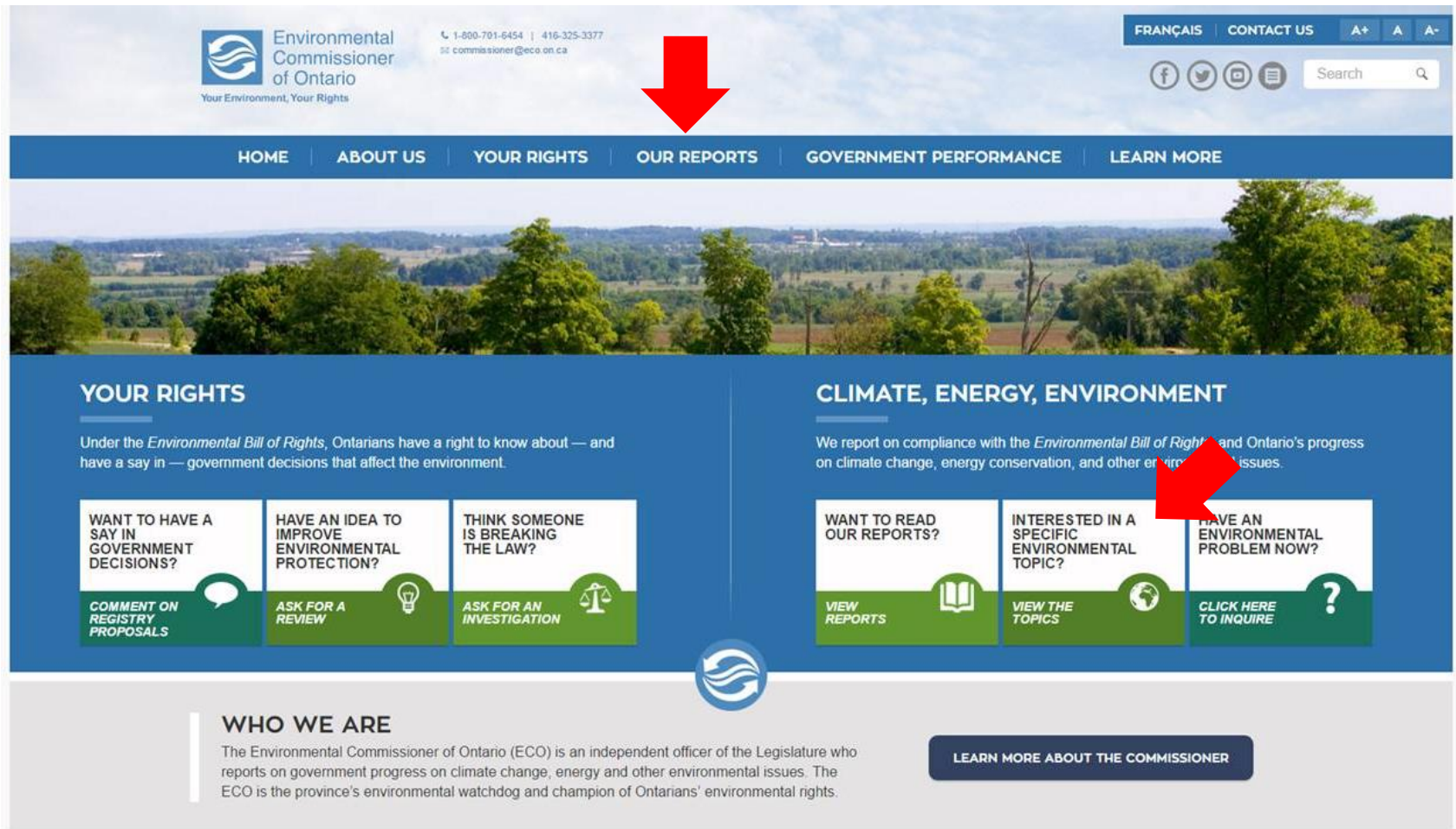


ENVIRONMENT



Find Our Reports Here

eco.on.ca



The screenshot shows the homepage of the Environmental Commissioner of Ontario (ECO). At the top left is the ECO logo with the tagline "Your Environment, Your Rights". To the right of the logo is contact information: "1-800-701-6454 | 416-325-3377" and "commissioner@eco.on.ca". Further right are links for "FRANÇAIS" and "CONTACT US", and a search bar. A navigation menu below the header includes "HOME", "ABOUT US", "YOUR RIGHTS", "OUR REPORTS", "GOVERNMENT PERFORMANCE", and "LEARN MORE". A large red arrow points to the "OUR REPORTS" menu item. Below the navigation is a landscape image. The main content area is divided into two columns. The left column is titled "YOUR RIGHTS" and contains three buttons: "COMMENT ON REGISTRY PROPOSALS", "ASK FOR A REVIEW", and "ASK FOR AN INVESTIGATION". The right column is titled "CLIMATE, ENERGY, ENVIRONMENT" and contains three buttons: "VIEW REPORTS", "VIEW THE TOPICS", and "CLICK HERE TO INQUIRE". A second red arrow points to the "VIEW REPORTS" button. At the bottom, there is a "WHO WE ARE" section with a description of the ECO and a "LEARN MORE ABOUT THE COMMISSIONER" button.

Environmental Commissioner of Ontario
Your Environment, Your Rights
1-800-701-6454 | 416-325-3377
commissioner@eco.on.ca

FRANÇAIS CONTACT US A+ A A-
f t i e Search

HOME ABOUT US YOUR RIGHTS **OUR REPORTS** GOVERNMENT PERFORMANCE LEARN MORE

YOUR RIGHTS

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LEARN MORE ABOUT THE COMMISSIONER

You Might Like:

- MOE Compliance: Spare the Rod, Spoil the Environment [\[2013/14 AR: part 4.1\]](#)
- Dust and Noise from Mining Operations [\[2013/14 AR: part 4.3\]](#)
- Expansion of MOE's Environmental Activity and Sector Registry (EASR) [\[2012/2013 AR: part 5.2\]](#)
- Filling the Gaps in the Regulation of Fine Particulate Matter [\[2012/2013 AR: part 5.8\]](#)
- How's the Air on Your Street? [\[2009/2010 AR: part 4.4\]](#)
- Air Pollution: Hot Spots, Soot, Dust and Smoke [\[2008/2009 AR: part 6.1\]](#)

Real Achievements

- Lots of doom and gloom
 - E.g. Climate...
- But also:
 - Low blood lead levels!
 - Low emission electricity!
 - No smog days in 2015!
 - Sudbury!

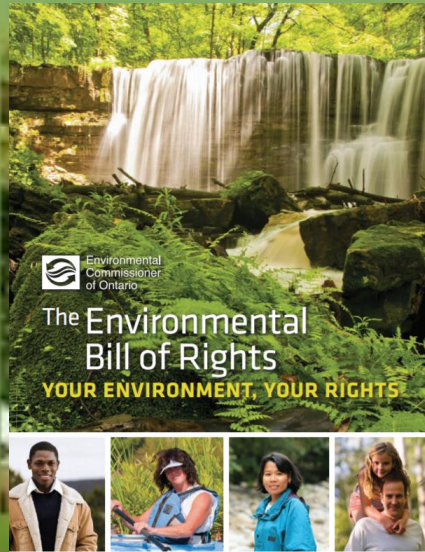


Lake Laurentian Conservation Area

Rising Expectations: Trends to watch

- TEA – Inhale
- Environment Hamilton – Stack Watch
- Pittsburg - GASP





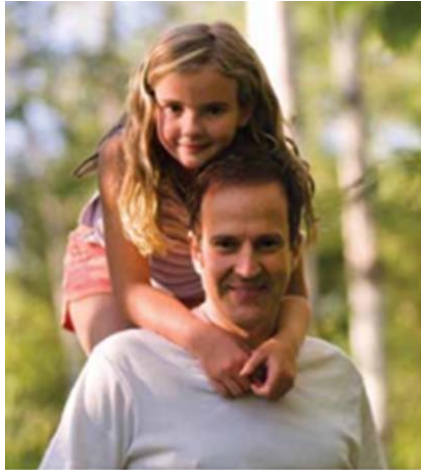
REFORMING THE *EBR*

You can comment until November 8, 2016

Environmental Registry # 012-8002

Partnerships Possible

- The public: your partner
- The *EBR* can help
- So can the ECO



Thank you!

www.eco.on.ca



Environmental
Commissioner
of Ontario

Ellen Schwartzel
Deputy Environmental Commissioner