

Fact sheet on Ontario Regulation 419/05: Air Pollution – Local Air Quality

Ontario Regulation 419/05: Air Pollution – Local Air Quality (Regulation 419) marks the biggest improvement in regulating air toxics in Ontario in over 30 years. It introduced new and updated air standards and set out new requirements for compliance assessments and the use of air dispersion models.

Regulation 419 came into effect on November 30, 2005. The regulation is the main tool used by the Ontario Ministry of the Environment (MOE) to protect local air quality by regulating industrial emissions of specific contaminants.

What you need to know

Emission Summary and Dispersion Modelling (ESDM) reports are the primary tool used to assess compliance. This report compiles all air emissions from a facility and assesses their impact on the environment against MOE air standards/guidelines using air dispersion models or a combination of dispersion models and air monitoring data. The executive summary of this report may be requested by the public. Air standards and the use of advanced air dispersion models are being phased-in over time:

- February 1, 2010 and February 1, 2013 - new or more stringent air standards begin to take effect. All facilities that emit these contaminants will have to meet applicable standards as they are phased in.
- February 1, 2010 - facilities in sectors listed in [Table 1](#) are required to comply with air standards in Schedule 3 of the regulation using the more advanced approved air dispersion models. These facilities must also prepare and annually update an ESDM report.
- February 1, 2013 - facilities in sectors listed [Table 2](#) are required to comply with air standards in Schedule 3 of the regulation using the more advanced approved air dispersion models. These facilities must also prepare and annually update an ESDM report; and
- February 1, 2020 - all other facilities are required to comply with air standards in Schedule 3 using the more advanced approved air dispersion models.

Notification Requirements

Regulation 419 requires industry to notify the MOE if certain air standards or other criteria are exceeded. These notification and follow-up requirements contained in the regulation are in effect today for all sectors:

- If emissions from a facility may exceed an air standard, guideline, upper risk threshold (URT) and/or may cause an adverse effect, the MOE must be notified.
- Submission of an abatement plan within 30 days of notification of an exceedence of an air standard, guideline or potential adverse effect is required.
- For exceedences of an Upper Risk Threshold, submission of an ESDM report within three months of a potential URT exceedence is required.

For more information on notification requirements under O. Regulation 419/05, please go to [Notification of Exceedence – Regulation 419/05](#).

For a comprehensive list of MOE standards and guidelines, please refer to the MOE document entitled: [Summary of Standards and Guidelines to support Ontario Regulation 419: Air Pollution – Local Air Quality, February 2008](#) (as amended) (MOE POI Limits).

The MOE POI Limits are available on the Ministry website sorted [by chemical name](#) and [by Chemical Abstract System \(CAS\) Number](#).

Alteration of Standard Requests

Facilities that are affected by the regulation but feel they will not be able meet the requirements due to technical, timing or economic issues may be eligible to submit a request for a site specific alteration of the standard. The risk-based process to alter a standard is an open and transparent process to address situations where new/updated air standards or the use of the more advanced air dispersion models may result in barriers to compliance. Eligible facilities must make these requests by a certain deadline:

- For facilities affected by new or updated air standards, or more advanced air dispersion models on February 1, 2010, the deadline has passed.
- February 1, 2010 to October 31, 2011 for facilities affected by more advanced air dispersion models on February 1, 2013.
- Until November 1, 2011 for facilities affected by new or updated standards on February 1, 2013.
- February 1, 2013 to October 31, 2017 for facilities affected by more advanced air dispersion models on February 1, 2020.

Additional dates to submit a request to alter the standard may be applicable as new standards are introduced or through the issuance of an order under the Environmental Protection Act.

[For more information on alteration of standards, please see the MOE fact sheet \(PIBS# 6034e\).](#)

Technical Standards

Facilities that are affected by the regulation but feel they will not be able meet an air standard by the phase-in date, may be eligible to submit an application to register to a Technical Standard for certain contaminants if an applicable Technical Standard exists for their industry and sources. Generally, registering for and complying with a technical standard is an alternative to complying with air standards.

[For more information on Technical Standards please go to the MOE website, where there is a link to the Technical Standards to Manage Air Pollution publication.](#)

TABLE 1: SECTORS AFFECTED BY MODELS FEBRUARY 1, 2010 (SCHEDULE 4)

ITEM	NAICS CODE	NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM DESCRIPTION
1	2122	Metal Ore Mining
2	221112	Fossil Fuel Electric Power Generation ¹
3	324110	Petroleum Refineries
4	3251	Basic Chemical Manufacturing
5	3252	Resin, Synthetic Rubber, and Artificial and Synthetic Fibres and Filaments Manufacturing
6	3311	Iron and Steel Mills and Ferro-Alloy Manufacturing
7	331410	Non-Ferrous Metal (except Aluminum) Smelting and Refining

TABLE 2: SECTORS AFFECTED BY MODELS FEBRUARY 1, 2013 (SCHEDULE 5)

ITEM	NAICS CODE	NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM DESCRIPTION
1	3221	Pulp, Paper and Paperboard Mills
2	324190	Other Petroleum and Coal Products Manufacturing
3	325	Chemical Manufacturing
4	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing
5	3279	Other Non-Metallic Mineral Product Manufacturing
6	331	Primary Metal Manufacturing
7	332810	Coating, Engraving, Heat Treating and Allied Activities
8	332999	All Other Miscellaneous Fabricated Product Manufacturing
9	336	Transportation Equipment Manufacturing
10	5622	Waste Treatment and Disposal ¹

Table Notes

¹ In accordance with O. Reg. 419/05 section 1(2) for the purposes of this Regulation, (a) a fossil-fuel electric power generation facility with a maximum electrical power output capacity of less than 25 megawatts shall be deemed not to be part of the class identified by NAICS code 221112 (Fossil-Fuel Electric Power Generation);

(b) a mobile PCB destruction facility within the meaning of Regulation 352 of the Revised Regulations of Ontario, 1990 (Mobile PCB Destruction Facilities) made under the Act shall be deemed not to be part of the class identified by NAICS code 5622 (Waste Treatment and Disposal); and

(c) subject to clause (b), a facility shall be deemed not to be part of the class identified by NAICS code 5622 (Waste Treatment and Disposal) unless the facility,

- (i) is a solid waste combustor or is used to subject solid waste to another method of thermal treatment, or
- (ii) is used for hazardous waste treatment or disposal.

Disclaimer

This fact sheet is intended to be a brief summary of some of the requirements of Ontario Regulation 419/05: Air Pollution – Local Air Quality. Information contained in this fact sheet is for information purposes only. Interested parties must refer to the regulation for a comprehensive understanding of the legal requirements. In the event of a conflict between the regulation and this document, the regulation (as amended) will take precedence.

For further information, please visit the Ministry of the Environment's web site at:

http://www.ene.gov.on.ca/environment/en/industry/standards/industrial_air_emissions/air_pollution/index.htm

Or contact:

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