



Terms of Reference

Subcommittee – Regulatory Studies and Assessments under O. Reg. 1/17

(June 30, 2017)

OBJECTIVES

The subcommittee is directed by the Professional Standards Committee (PSC) to create a new practice guideline, and a performance standard to complement the announcement by the Ministry of Environment and Climate Change (MOECC) of a new regulation to mandate Licensed Engineering Practitioners as qualified persons for the preparation of regulatory studies/assessments under O. Reg. 1/17 (Registrations Under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions), including Emission Summary and Dispersion Modelling Reports (ESDMs) and Acoustic Assessment Reports (AARs). The practice guideline will describe best practices for engineers carrying out assessments of atmospheric contaminants from industrial facilities as required by the *Environmental Protection Act*. The performance standard will provide mandatory requirements.

BACKGROUND

Currently, the *Environmental Protection Act* requires an Environmental Compliance Approval (ECA) under Part II.1 and section 9 before operating, constructing, altering, extending or replacing anything in a facility that may discharge a contaminant into the air, unless otherwise exempt or prescribed.

Part II.2 of the *Environmental Protection Act* under O. Reg. 1/17 requires all but high risk and more complex activities to register in the Environmental Activity and Sector Registry (EASR). O. Reg. 1/17 requires an EASR ESDM report be prepared in accordance with specified sections in O. Reg. 419/05 in respect of the contaminants discharged by the facility. In addition, an ESDM report may also be required as part of an application for an ECA for the facility, or for other obligations to prepare an ESDM report. The ministry has also produced guidance documents titled “*Air Dispersion Modelling Guideline for Ontario*” and “*Procedure for Preparing an Emission Summary and Dispersion Modelling Report*” to assist in meeting these requirements.

An assessment of sound discharged from the facility and the results of the assessment must be documented in a noise report, in accordance with the requirements of O. Reg. 1/17 and the EASR publication. The contents of the noise report will vary depending on which noise assessment method was used: noise setback; Primary Noise Screening Method; Secondary Noise Screening Method; or Acoustic Assessment. Regardless of the assessment method, the sound discharged from the facility must not exceed the

applicable sound level limit set out in Chapter 3 of the EASR publication.

Under O. Reg 1/17 the MOECC has defined additional studies/assessments required for registrations. These include Odour Control Reports (OCRs), Best Management Practices Plan (BMPP) for Dust, and BMPP for Odour, etc. These studies/assessments also require sign-off by a Licensed Engineering Practitioner.

Historically, ESDM reports and noise technical assessments are reviewed by engineers at the ministry. Due to concerns about the quality of these regulatory compliance reports and the potential for no regulatory review process prior to operation (under the EASR process defined within O. Reg 1/17), the MOECC has turned to PEO to develop a guideline with best practices and a performance standard prescribing the manner in which these regulatory studies/assessments are to be carried out.

MANDATE (Specific Tasks)

The central task of this subcommittee is to define best practices for the manner in which engineers prepare regulatory studies/ assessments under O. Reg. 1/17.

The topics to be addressed include the following:

- a) Identify good practice for specifying scope of work with clients or employers;
- b) Identify mandatory components for ensuring accuracy and good engineering practice for modeling and preparation of technical studies including ESDM reports and AARs, OCRs, BMPP for Dust, BMPP for Odour, etc.;
- c) Determine how engineers can best accomplish each component of this work e.g. by review of drawings and other documents, on-site inspections, review of modelling done by others, observation of work done by others (including non-engineers);
- d) Provide best practices for content and format of reports and the types of tasks required to be carried out for the various aspects of review to ensure accurate reports;
- e) Prepare a practice guideline for the preparation of technical studies including ESDM reports and AARs; and
- f) Receive from the MOECC statistically representative data of the most common mistakes in ESDM reports and AARs.

MEMBERSHIP

The subcommittee shall consist of a member of PSC who will act as chair and a minimum of 6 engineers currently submitting ECA applications to the MOECC and at least 2 observers from the MOECC. The engineers should be from consulting firms, and have experience preparing ESDM reports, AARs and other relevant technical studies.

Draft documents will be circulated for comments to the MOECC, consulting engineers, manufacturing facilities and contractors who hire engineers to carry out these reviews.

DELIVERABLES

The Subcommittee will present the draft guideline and a policy statement for the proposed performance standard to the PSC no later than December 2017.

Meeting Schedule: At discretion of the Chair

Completion Date: May 2018