

LEHDER Environmental Services

Newsletter

December 2011

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Print 2012 Regulatory Calendar

Ontario Environmental Regulatory Calendar 2012

If you are responsible for environmental regulatory compliance at Ontario facilities, you need to be aware of important deadlines related to submitting reports, registrations, and notifications in the coming year.

Mark the following dates on your calendar for 2012.

January 1st – Toxic Reduction Regulation Phase 2

Commencing on **January 1, 2012**, Phase 2 of Toxics Reduction Act and O. Regulation 455 apply to Ontario facilities that report to the NPRI and are identified by a NAICS code commencing with the digits "31", "32" or "33"; or by a NAICS code commencing with the digits "212" if the facility processes minerals using chemicals to extract, refine or concentrate an ore.

In Phase 1, regulated facilities were required to establish **baseline "usage" data** starting with the 2010 operating year for a list of 47 substances and families. In Phase 2 which commences in 2012, the list of TRA substances is expanded to include the remainder of the NPRI substance list.

This will require the facility to:

- define process(es) at the site that use/emit any one of the Phase 2 Toxics, using the same "reporting" thresholds as are used in NPRI.
- develop a material balance for each process for each Phase 2 toxic material (i.e. quantify the amount entering the process, and amounts leaving the process via air emissions, water emissions, transformation to other products, or transfer to the next process).
- document this data in an internal report. This report does not get submitted to the MOE, nor released to the public.
- submit a summary of this report to the MOE by June 1, 2013.
- prepare a Toxics Reduction plan using the 2012 baseline data and submit a Reduction Plan Summary to the MOE by December 31, 2013.
- submit annual Progress Reports in subsequent years.

February 14th – MISA 4th Quarter 2011 Report

No later than forty-five days after the end of each quarter, each discharger shall submit a report to the Director containing information relating to the discharger's plant throughout the quarter.

February 15th – HWIN Re-Registration

Don't forget that all Subject Waste Generators are required to re-register their site(s) and waste classes on or before **February 15, 2012** using the Hazardous Waste Information Network (HWIN). The fee structure is the same as the previous year.

www.ene.gov.on.ca/envision/land/HWIN.htm

March 31st – Reg. 387 Annual Water Taking Permit Report

On or before March 31, each Water Taking Permit holder at any industrial or commercial operation must submit a report summarizing the volume of water taken daily for the 2011 calendar year.

March 31st – O. Reg. 419 ESDMR Updates

On or before March 31, facilities listed in Schedule 4 of O.Reg 419 are required to have an updated Emission Summary and Dispersion Modeling Report (ESDMR) reflective of December 31, 2011. If there have been no modifications to the facility in 2011 that require an update to the ESDMR, then LEHDER recommends that a note or memo to that effect be prepared and filed with the ESDMR.

March 31st – O. Reg. 194 / O. Reg. 397 – Report NO_x, SO₂ Emissions

On or before March 31, facilities regulated by O.Reg 194 or O.Reg. 397 must submit a report to the Director summarizing sulphur dioxide (annual) and nitrogen oxide emissions (annual and smog season) for the 2011 calendar year in order to retire allowances.

May 15th – MISA 1st Quarter Report

No later than forty-five days after the end of each quarter, each discharger shall submit a report to the Director containing information relating to the discharger's plant throughout the quarter.

June 1st – MISA 2011 Annual Report

On or before June 1st in each year, each discharger shall prepare a report relating to the MISA monitoring results for the previous calendar year. The report must be available to any person at the discharger's plant, on request, during the plant's normal office hours.

June 1st – NPRI – National Pollutant Release Inventory

The National Pollutant Release Inventory reports for 2011 are due on or before June 1, 2012.

The National Pollutant Release Inventory (NPRI) was created in 1992 to provide information on pollutants released to the environment and transferred for disposal. Reporting of NPRI is mandated under the Canadian Environmental Protection Act (CEPA). There are no major changes for the 2011 reporting year as compared to the 2009 reporting year.

June 1st – Ontario Reg. 127

The O.Reg. 127 air emission reports for 2011 are due on or before June 1, 2012. Ontario Reg. 127 requires that businesses in the industrial and commercial sectors monitor and annually report air emissions of specified compounds.

June 1st – Greenhouse Gas Reporting (Federal)

The Government of Canada requires mandatory reporting of greenhouse gas (GHG) emissions. The legislation requires large industrial facilities emitting greater than 50 000 tonnes of CO₂e to report for the previous calendar year by June 1, 2012.

June 1st – O.Reg. 452 Greenhouse Gas Reporting (Provincial)

Commencing on January 1, 2010, the Greenhouse Gas Reporting Regulation (O. Reg. 452) applied to facilities in Ontario emitting greater than 25,000 tonnes of carbon dioxide equivalent (CO₂e) per year from a list of identified sources. The identified sources include general stationary combustion, electricity generation, petrochemical production, petroleum refining and others. There are 30 Greenhouse Gases listed in Table 1 of the Regulation for inclusion in the CO₂e calculation. The 2011 reporting year report is due on **June 1, 2012**.

Starting in 2011, emissions will be calculated using mandated quantification methods which, in some cases, require instrument calibration and stream sampling. Third party verification will be required for emissions calculated in 2011 and every year thereafter. The MOE has recently indicated that another revised **Guideline for Greenhouse Gas Emissions Reporting** will be issued which will be retroactive. This is similar to the December 2010 posting that resulted in many significant changes to the previous guidance document(s).

June 1st – Phase 1 Toxics Baseline Usage Report

Commencing on January 1, 2010, the Toxics Reduction Act and O. Regulation 455 applied to Ontario facilities that report to the NPRI and are identified by a NAICS code commencing with the digits “31”, “32” or “33”; or by a NAICS code commencing with the digits “212” if the facility processes minerals using chemicals to extract, refine or concentrate an ore.

By **June 1, 2012**, regulated facilities are required to prepare and submit a **Baseline Usage Report** for the 2011 operating year. This will require the facility to submit:

- List of Toxics used/created at the site that require a Toxic Reduction Plan (based on the same “reporting” thresholds as are used in NPRI).
- Facility information to be specified by the MOE
- For each substance requiring a plan:
 - Amounts released, disposed, or transferred as spelled out by NPRI rules
 - Amount that entered the facility
 - Amount created at the facility
 - Quantity contained in the product(s) from the facility

Regulated facilities must prepare a Toxics Reduction plan using 2011 baseline data and submit a Reduction Plan Summary to the MOE by **December 31, 2012**. (See Page 5)

June 1st – O. Reg. 194 / O. Reg. 397 – Application for NO_x, SO₂ Allowances

The O.Reg. 194 and O.Reg. 397 applications for 2012 Emission Allowances for NO_x and SO₂ are due on or before **June 1, 2012**.

June 1st – Annual Reports for Comprehensive CofA Holders

The majority of the holders of Comprehensive CofA are required to prepare and submit their annual "Written Summary of Activities" report for 2011 on or before **June 1, 2012****.

This report must include the Emission Summary Table and Acoustic Assessment Summary Table as of December 31, 2011; a summary of all modifications undertaken during the 2011 year; certification of compliance with the Performance Limits specified in the CofA and other required elements.

**** Please note that the MOE has begun to issue CofA with reporting dates that vary from June 1st. Please review your CofA to determine the specific reporting date for your facility.**

August 14th – MISA 2nd Quarter Report

No later than forty-five days after the end of each quarter, each discharger shall submit a report to the Director containing information relating to the discharger's plant throughout the quarter.

September 1st – O.Reg. 452 Greenhouse Gas Report Verification

Starting with the 2011 reporting year, third party verification will be required for GHG emissions calculated for 2011 and every year thereafter. The **GHG Verification Report** due date is **September 1st, 2012**.

November 14th – MISA 3rd Quarter Report

No later than forty-five days after the end of each quarter, each discharger shall submit a report to the Director containing information relating to the discharger's plant throughout the quarter.

November 26th – Toluene Diisocyanates (TDI) Pollution Prevention Plan

On November 26, 2011, a Notice was published in the Canada Gazette under the Canadian Environmental Protection Act regarding the requirement of a Toluene Diisocyanates (TDI) pollution prevention plan for any facility within the polyurethane and other foam sector (except polystyrene).

The purpose of this Notice is to reduce human exposure to TDIs through the reduction of industrial TDI emissions to the environment to the greatest extent practicable, using the best available techniques economically achievable.

Any facility who purchases, imports, or uses 100 kg of TDI or more per year is required to prepare and implement a TDI Pollution Prevention Plan by November 26, 2012. Two interim progress reports will be required (the first due November 26, 2013, the second November 26, 2014) before the implementation deadline of November 26, 2015.

December 31st – Phase 1 Toxics Reduction Action Plans

Using the baseline data compiled the Phase 1 Toxics Baseline Usage Report; the facility must prepare a Phase 1 Toxics Reduction Action Plan. This plan must look at all possible reduction options for each contaminant (material substitution, process changes, emission controls etc.) and then for each of the options, assess/quantify technical feasibility, cost, and reductions that could be achieved. The plan must be completed by December 31, 2012 and must be made available to the MOE upon request, but will not be made public. The format and content required for these reports have not yet been provided by the MOE.

December 31st – Phase 1 Toxics Reduction Action Plan Summary

Using the **Phase 1 Toxics Reduction Action Plan**; the facility must prepare a **Phase 1 Toxics Reduction Action Plan Summary**. This summary must be submitted to the MOE by **December 31, 2012** and will be made available to the public. The format and content required for these summaries have not yet been provided by the MOE.

For Further Information

For further information or questions regarding classification of wastes, the new registration requirements or HWIN, please contact:

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For further information or questions on Toxics Reduction Strategy, Certificates of Approval, NPRI, Reg 127, or Greenhouse Gas reporting, please contact:

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About LEHDER

LEHDER Environmental Services is an environmental consulting company focused on providing Excellence in Industrial Air Quality Services. Formed in 1995, LEHDER is now one of the largest Air Quality Management companies in Canada.

All Air Quality aspects – source testing, emission inventories, air dispersion modeling, data interpretation and approval applications – are managed internally without outsourcing and partnering.

At LEHDER we recognize our client's need to make decisions that provide for operational flexibility while meeting regulatory economic and social requirements.

Visit www.lehder.com

Ontario Environmental Regulatory Calendar 2012

For further information or questions on Toxics Reduction Strategy, Certificates of Approval, NPRI, Reg 127, or Greenhouse Gas reporting, please contact:

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For further information or questions regarding classification of wastes, the new registration requirements or HWIN, please contact: Mark Roehler www.lehder.com/roehler

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