

MAKE YOUR VOICE HEARD:

Public participation in environmental decision-making

November 2, 2010

Hamilton, Ontario

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

Joseph F. Castrilli

Counsel





Introduction

- Topics to be discussed today include:
 - Accessing information through Pollution Watch and FOI requests
 - Info about Land Use Planning Decisions
 - Using the Environmental Bill of Rights

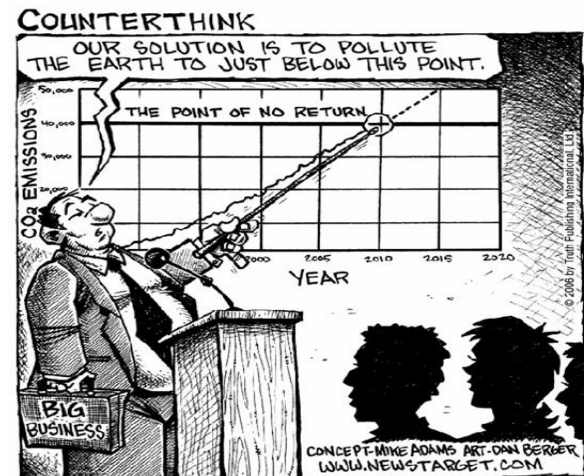


Nature of the Problem

- Over 23,000 chemicals in use in Canada
- Problems with some include cancer, birth defects, etc.
- Ontario situation
 - #2 in North America for release of developmental/reproductive toxicants
 - #4 in N.A. for release of known/suspected carcinogens
 - 36% of air/50% of water discharges in Canada

Introduction

- This discussion is meant to help you understand:
 - How to keep tabs on the situation in your local community
 - How to become involved in government decision making
 - Ways to keep government accountable for its decisions





What is Pollution Watch?

- Tracking pollution is a critical activity given the potential for serious & irreversible harm to human health & the environment from the release of pollutants
- Pollution Watch is a website maintained by CELA and Environmental Defence – www.pollutionwatch.org
- The data contained in this website comes from industries that are required to report their releases & transfers of pollutants to the government of Canada



POLLUTIONWATCH

GET ANSWERS ABOUT POLLUTION IN YOUR COMMUNITY

Using Pollution Watch

- You can use Pollution Watch to help you get answers about pollutants in your community
- You can map, identify, and rank facilities in your area that report releases or transfers of pollutants to the federal government
- You can also use Pollution Watch to identify trends on releases and transfers over time





How to search Pollution Watch

Example: Map facilities in your community

Click "Search your community"

Click "Map your community"

Enter address and search range (50km in this example)



A map like the example on the following slide will appear

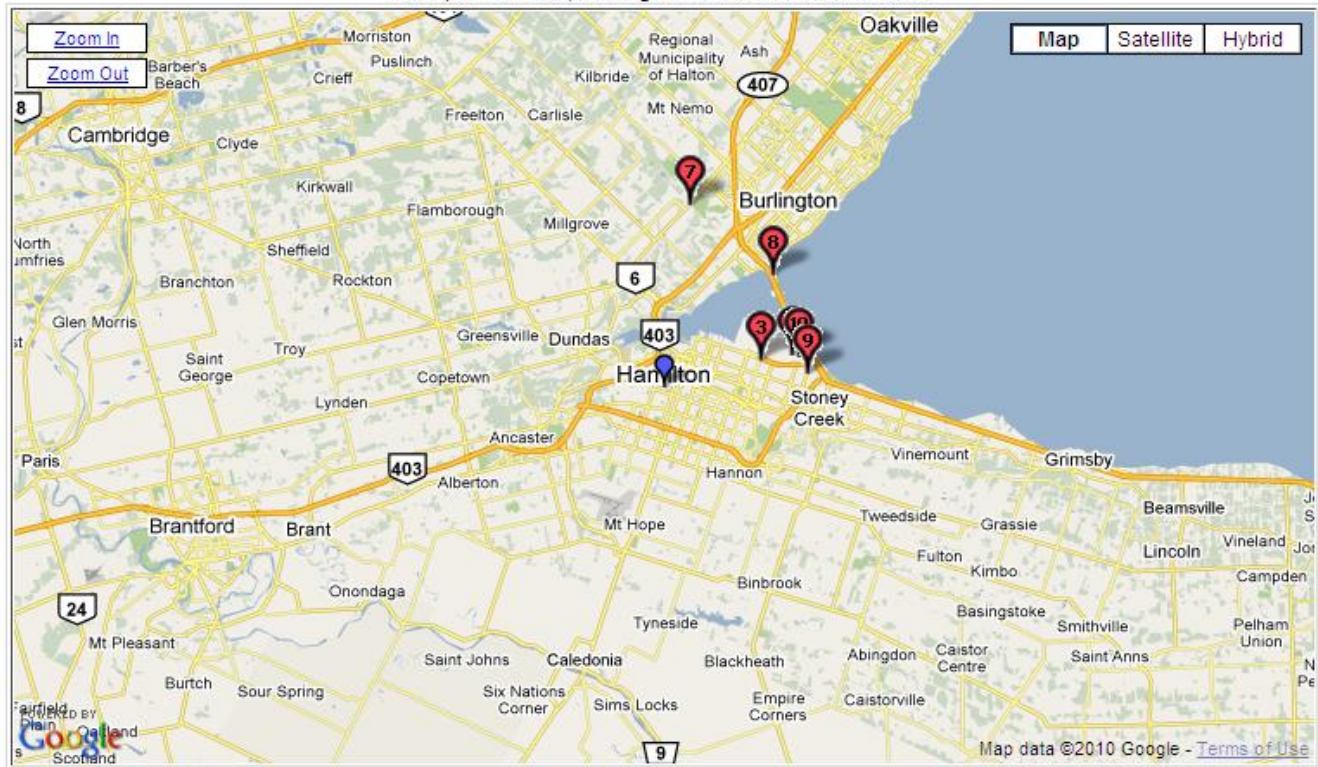
Sample search for Hamilton

RESSOURCES FRANCAISES

Pollution in the Great Lakes Basin

Total 343 facilities found. Pages: [(1) < First] 1 2 3 4 5 6 7 8 9 10 [Next >> (2)] [Last >] (35)]

 --> Your home address  --> Facilities around your house (click on the icons for more details)
For top 10 facilities, ranking numbers are shown on icons.



How to search Pollution Watch (cont.)

- You can also search for facilities

- POLLUTION RANKINGS
- POLLUTION TIMELINES
- POLLUTION OVERVIEWS
- MAPS
- REPORTS
- TAKE ACTION
- ENVIRONMENTAL LAWS
- MEDIA CENTRE
- RESSOURCES FRANCAISES



Search Parameters:
 Pollution Data Source: NPRI reported pollution
 Province: Ontario
 Pollution Type: Total Reported Releases & Transfers with Combined Air Release
 Year: 2006
 Please note:

- The units of measurement for Greenhouse Gas data are presented in tonnes or tonnes CO₂ (carbon dioxide) equivalent. The units of measurement for NPRI data are presented in kilograms (kg), excluding hexachlorobenzene which is measured in grams (g) and dioxins/furans which are measured in grams (g) TEQ.
- Recycling data is not included in total releases or transfers data. To obtain recycling data, please go to [Who is Polluting?](#) or [Pollution Rankings](#).

Rank	Facility	Company Name	Total Amount (NPRI)	National Ranking (NPRI)	Total Greenhouse Gas release(*)	Greenhouse Gas National Rank	Province
1	Copper Cliff Smelter Complex	CVRD Inco	184,455,179	4	253,391	172	ON
2	Nanticoke Generating Station	ONTARIO POWER GENERATION	96,034,214	6	16,271,467	1	ON
3	Smelter Complex	Falconbridge Limited	43,828,795	20	N/A	N/A	ON
4	Ojibway Mine	THE CANADIAN SALT COMPANY LIMITED	31,379,000	26	N/A	N/A	ON
5	Hamilton Steel	STELCO	30,155,916	28	2,693,632	21	ON
6	Lambton Generating Station	ONTARIO POWER GENERATION	29,803,202	29	6,485,605	7	ON
7	Sarnia Refinery Plant	IMPERIAL OIL	29,689,768	30	1,588,549	35	ON
8	Dofasco Hamilton	DOFASCO	19,239,448	45	4,793,364	11	ON
9	Ashbridges Bay Treatment Plant	CITY OF TORONTO	15,209,250	50	N/A	N/A	ON
10	Sarnia Manufacturing Centre	SHELL CANADA	13,699,542	54	1,029,291	62	ON

N/A: this facility didn't report Greenhouse Gas emissions in this year.
 *: Total of all greenhouse gases reported in Tonnes(CO₂ equivalent).



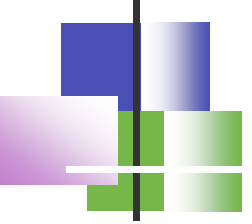
Freedom of Information

- If you wish to make comments under the EBR you may find that a provincial Ministry has information you wish to access.
- You may wish to submit a Freedom of Information request to the Ministry in order to obtain the information
- If you require information from the Ministry of the Environment, your FOI request should be directed to:

Ministry of Environment
Freedom of Information and Privacy
Coordinator
12th Floor 40 St Clair Ave W
Toronto, ON M4V 1M2



Freedom of Information (cont.)

- 
- Your request should include:
 - Letter addressed to FOI Information Coordinator
 - The date of the request on the top right side of the request
 - Clear indication of the information sought and where the information might be found
 - Your full name, address, phone, fax, and email at the end of the letter.
 - There is a \$5 fee for each provincial FOI request
 - A similar process exists on a federal level. The governing Act is the *Access to Information Act*.

Environmental Assessment Process: Opportunities to Get Involved

- Determine what opportunities for participation exist re CEAA
 - CEAA Registry - <http://www.ceaa-acee.gc.ca/050/index-eng.cfm>
- List of Current opportunities for public participation under CEAA - http://www.ceaa-acee.gc.ca/011/participation_e.cfm.
- There are similar opportunities to get involved in the provincial environmental assessment process as well.





Land Use Planning

- There are opportunities to become involved in land use planning decisions in your community
- Important to consult the Planning Act - http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p13_e.htm
- Individuals often wish to participate in rezoning and official plan amendment decisions and you can!



Land Use Planning – Opportunities to Get Involved

- Official Plan development and amendments and Rezoning Decisions
 - At the public meeting/open house you can submit your comments. Submitting comments and participating at these public meetings is important to preserve your right to appeal.
- Appeal to Ontario Municipal Board (www.omb.on.ca)
 - May require experts to show that the decision of council does not represent sound planning.

OMB Citizen's Guide

6. Ontario Municipal Board -

http://www.m...

Google mmah brownfields Write Lock Search Power Plan Sleep Share Hibernate Sidewiki Output Check Brightness Translate Wireless AutoFill Touch Pad Zoom

Sign In

Favorites aboutblank http--www.google Suggested Sites Get More Add-ons 1. Ask Toshiba 2. My Homepage 3. Activate Warranty 4. Extended Warranty 5. Yellow Pages 6. ebay

Google Apps 6. Ontario Municipal B...

Search GO

HOME | ABOUT THE MINISTRY | NEWSROOM | JOB OPPORTUNITIES

You are here > [Home](#) > [Your Ministry](#) > [Land Use Planning](#) > [Citizens' Guides to Land-use Planning](#) > 6. Ontario Municipal Board

Your Ministry

- Local Government
- Land Use Planning
- Citizens' Guides to Land-use Planning**
- Related Legislation
- Provincial Policy Statement
- Ontario Municipal Board
- Ontario Municipal Board / Planning Reform
- Greenbelt Protection
- Brownfields Ontario

Land Use Planning

6. Ontario Municipal Board [Email this page](#)

[Citizens' Guide 6 - Ontario Municipal Board](#) PDF, (389K)

What is the Ontario Municipal Board?

The Ontario Municipal Board is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters.

Internet | Protected Mode: On 135%

10:38 AM 11/07/2010

Using the *Environmental Bill of Rights* ("EBR")

- What is the EBR?
 - A provincial law that recognizes protection of the natural environment as one of its primary purposes. It also provides mechanisms for you to participate in environmental decision-making in your community.
- What does the EBR apply to?
 - The *EBR* applies to environmentally significant decisions/proposals made by prescribed Ontario Ministries under prescribed Acts.
- What does the EBR mean for you?
 - You can participate in government decisions about the environment and hold the government accountable



Using the EBR: EBR Registry

- The EBR Registry is an online database where environmentally significant proposals and decisions are posted and may be viewed – www.ebr.gov.on.ca
- If business is asking the government for a permit to undertake activities that could affect health or the environment, the public are notified via the Registry
- Example: If you want to know if a company in your area is asking the Ministry of the Environment for permission to release substances to a river or into the air, you can also type in the company's name and find this information out



Searching the EBR Registry

- You can search the Registry by EBR # or through an advanced search using keyword, proponent name, title or other search terms
- An example of search results for a general search for "Hamilton" as the location appears on the next slide

Sample search for Hamilton



Environmental Registry
Registre environnemental



Ontario
Government of Ontario Site Map Français

About the Registry Search How do I...? MyEBR
Advanced Search Basic Search Court Action
FAQs Links Contact Us Home

Your search resulted in 12 page(s), 114 notice(s). [you may refine your search.](#)

[Save Criteria](#)

Add	EBR Registry Number	Ministry Reference Number	Title or Proponent	Type	Published Date
<input type="checkbox"/>	011-1490	8817-89JJZF	Hydro One Networks Inc (EPA s. 9) - Approval for discharge into the natural environment other than water (i.e. Air)	Instrument Proposal	October 25, 2010
<input type="checkbox"/>	011-1480	3374-8A9QVS	BIOX Canada Limited (EPA s. 9) - Approval for discharge into the natural environment other than water (i.e. Air)	Instrument Proposal	October 20, 2010
<input type="checkbox"/>	010-9320	4653-832NFU	Rothsay - A Member of Maple Leaf Foods (OWRA s. 34) - Permit to take water	Instrument Decision	October 19, 2010
<input type="checkbox"/>	011-1428	MNR INST 71/10	Telephone City Aggregates Inc. (ARA s. 16 (2)) - Approval of licensee proposed amendment to a site plan	Instrument Proposal	October 13, 2010
<input type="checkbox"/>	011-1421	MNR INST 70/10	The Corporation of the City of Hamilton (ESA s. 17(2) (c)) - Permit for activities with conditions to achieve overall benefit to the species	Instrument Proposal	October 13, 2010
<input type="checkbox"/>	011-1383	MNR INST 67/10	Lafarge Canada Inc. (ARA s. 16 (2)) - Approval of licensee proposed amendment to a site plan	Instrument Proposal	October 08, 2010
<input type="checkbox"/>	011-1092	370880	Stantec Consulting Ltd. (Liquid Fuels Handling Code) - Liquid Fuels Handling Code Section	Instrument Decision	October 07, 2010
<input type="checkbox"/>	010-7865	0721-7VXQA7	Garitech Inc. (EPA s. 9) - Approval for discharge into the natural environment other than water (i.e. Air)	Instrument Decision	October 06, 2010
<input type="checkbox"/>	010-6095	6297-7PRRR3	Parker Canada Holding Co. and Parker Canada Investment Co. (EPA s. 9) - Approval for discharge into the natural environment other than water (i.e. Air)	Instrument Decision	October 06, 2010
<input type="checkbox"/>	010-3740	5724-7F8QJN	Lake Foundry Ltd. (EPA s. 9) - Approval for discharge into the natural environment other than water (i.e. Air)	Instrument Decision	October 05, 2010

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [Next](#)

[Add selected notices into My Watch List](#)

Please select notices and click on add button for each individual page of results.

Search Criteria & Filters	
Geographic Location Filters:	Location Name: Hamilton
Published Date	In the Last Year
Sort Results:	Records per Page: 10 Sort by: Most recent Publish Date Sort Descending

The materials on this web site are protected by Crown copyright. You may copy and re-distribute any of the Environmental Bill of Rights information on this web site provided that the contents remain unchanged and the source of the contents is clearly referenced. You are not permitted to alter or add to the contents.

[ONTARIO HOME](#) | [CONTACTS](#) | [HELP](#) | [SITEMAP](#) | [FRANÇAIS](#)



This site is maintained by the Government of Ontario, Canada.

[PRIVACY](#) | [IMPORTANT NOTICES](#)

Copyright information: [@ Queen's Printer for Ontario, 1994-2010](#)



Example of a recent EBR Posting

[About the Registry](#) | [Search](#) | [How do I...?](#) | [MyEBR](#) | [FAQs](#) | [Links](#) | [Contact Us](#) | [Home](#)
[Advanced Search](#) | [Basic Search](#) | [Court Action](#)

Instrument Proposal Notice:

Proponent: Hydro One Networks Inc.

483 Bay Street
Toronto Ontario
Canada M5G 2P5

Instrument Type: Approval for discharge into the natural environment other than water (i.e. Air) - EPA s. 9

EBR Registry Number: 011-1490

Ministry Reference Number:
8817-89JJZF

Ministry:
Ministry of the Environment

Date Proposal loaded to the Registry:
October 25, 2010

Keyword(s): Air

Comment Period: 30 days: submissions may be made between October 25, 2010 and November 24, 2010.

Description of Instrument:

This proposal is for a new Certificate of Approval (Air& Noise) to add six (6) single-phase reactors to reinforce the grid capacity in the area.

The works will emit products of contaminants into the atmosphere such as noise.

Hydro One Networks Inc. transmits electrical power.

Public Consultation:

This proposal has been posted for a 30 day public review and comment period starting October 25, 2010. If you have any questions, or would like to submit your comments, please do so by November 24, 2010 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to November 24, 2010 will be considered as part of the decision-making process by the Ministry of the Environment if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 011-1490.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

Contact:

All comments on this proposal must be directed to:

Application Processor
Client Services Section
Ministry of the Environment
Operations Division
Environmental Assessment and Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto Ontario
M4V 1L5
Phone: (416) 314-8001
Fax: (416) 314-8452

To submit a comment online, click the submit button below:

Location(s) Related to this Instrument:

Concession Road 2



How the EBR Works

- The EBR requires that government give notice to the public (via the EBR registry) of requests by industry for issuance of approvals, permits, or licences.
- The public has a right to comment on these proposals before they may be approved.
- If approved, the public may apply for leave to appeal some of these decisions and if leave is granted a hearing is held.





How the EBR Works (cont.)

- The EBR also recognizes the right of the public to request a review of an existing approval, permit, or licence held by a company
- The EBR further recognizes a right in the public to ask government to investigate alleged violations of environmental laws by industry
- If not satisfied with the government response the public can sue a polluter for causing environmental harm to a public resource
- If the harm is caused by a public nuisance, you can sue for damages (monetary compensation) in certain circumstances



Conclusions

- You can become involved in environmental decisions in your community
- You can access important information through Pollution Watch to keep tabs on what is happening in Hamilton
- CELA is available to assist you with information and advice.





Thank you.

Joseph F. Castrilli

Email: castrillij@sympatico.ca

Phone: 416-960-2284, ext. 218