

INFORMATION REPORT

TO:	Mayor and Members Board of Health
COMMITTEE DATE:	October 16, 2017
SUBJECT/REPORT NO:	Ministry of Environment Climate Change Air Quality Monitoring and Enforcement in Hamilton 2015 - 2016 BOH17025(a) (City Wide)
WARD(S) AFFECTED:	City Wide
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Council Direction:

Hamilton Board of Health at its meeting of July 13, 2017 approved the following:

- (a) That staff be directed to contact the Ministry of Environment and Climate Change (MOECC) to obtain MOECC monitoring and enforcement information pertaining to air quality and fallout complaints in the City of Hamilton for 2015 and 2016; and
- (b) That the information be summarized and presented to a future Board of Health meeting.

The following report provides information related to the approved motion (above).

Information:

Air Monitoring

With respect to air monitoring information in Hamilton, the Hamilton Air Monitoring Network's (HAMN) publicly accessible website (<http://www.hamnair.ca/>) presents data from the MOECC's fixed air monitors, the private HAMN network and the City's two mobile AirPointers as one combined air monitoring network for the City. In addition to this fixed air monitoring network, the MOECC is capable of setting up temporary

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monitoring stations on an as-needed basis to address any ongoing situation which requires monitoring in an area not covered by the HAMN network or for parameters not analysed by the HAMN network.

The MOECC also has a van equipped with real-time air monitoring equipment and trained officers to operate it. The van is deployed, as needed, and is typically used in emergency response situations and during planned surveys. The Ministry also has a more sophisticated Trace Atmospheric Gas Analyser (TAGA) van based in Toronto which has been used in Hamilton on occasion.

Investigations and Enforcement Work

The Ministry's Provincial Officers have significant authority under environmental law to gain access to private property without a warrant for the purpose of determining air quality as well as to assess other environmental conditions. They may also issue orders to compel sources of air pollution to remedy the situation and come into compliance. It is an offence to hinder or obstruct a Provincial Officer in the course of their duties. Without this authority the choice of sampling locations may be reduced and therefore the quality of the assessment made would be hampered.

The information obtained by the officers who make use of this air monitoring capability must also be interpreted. The ministry has a team of laboratory analysts, toxicologists and emission modelling engineers who can provide expert testimony in support of any legal action or request for compliance which may result. The Ministry's Legal Services Branch employs a panel of trained, experienced lawyers who have the skills to prosecute cases in the courts and defend the actions of the Ministry to achieve compliance.

Industrial Fallout Complaints

Black fallout or industrial fallout has been an ongoing issue within the Hamilton District. Typically the ministry receives complaints after heavy wind events, especially if they occur during a dry season. Generally, the sample results indicate the presence of a wide variety of materials from sources such as coal piles, salt piles and other raw material piles. The Ministry is seeing an increase in the percentage of collected materials that are generated from road traffic such as general ground minerals and black rubber from tire buffing, however the results are different based on location sampled.

When a fallout complaint is received, Provincial Officers follow Ministry procedures and collect appropriate samples. Officers will attempt to determine the source in each case. If the source is identified by sample results and can be related to a specific event, then

Ministry staff will work with the source to address the impacts; if this is unsuccessful, the issue may be referred to officers in the Ministry's Investigations and Enforcement Branch. If the Ministry cannot narrow it to a specific source (i.e., if sampling reveals multiple sources), no further compliance actions are taken.

Community response agreements have been made by the Hamilton steel facilities (Stelco and Arcelor Mittal Dofasco) in conjunction with the Hamilton District Office of the MOECC. In this case, if the sample results cannot be narrowed to a single facility (i.e. extreme heavy winds blow coal/coke from piles), the Ministry will provide the results to both companies, who will follow their community response plans and typically settle with the impacted residents based upon each company's contribution to the impacts as indicated by the sample results.

Air Quality Enforcement and Complaints 2015-2016

There are five open air quality investigations currently: two open Hamilton air quality investigations from 2016, two that were localized to a specific facility and one other active case before the courts from 2015.

There has been one conviction for a fallout incident in 2015 (from a 2012 offence date).

Between 2015 and 2016 the Ministry received approximately 843 pollution incident reports related to air quality in Hamilton. These reports are comprised of public complaint calls and industry notifications of emissions which must be reported by law.

Of those complaints, approximately 31 were related to industrial fallout incidents. Approximately 16 of the events lead to samples being collected by an officer. Not all incidents are received during normal business hours and, as such, not all incidents receive an immediate response.