



April 15, 2010

Ms. Joy Williams,
Senior Engineer, Ministry of the Environment,
Environmental Programs Division,
Program Planning and Implementation Branch,
Modernization of Approvals
135 St. Clair Avenue West
Toronto, ON M4V 1P5

**Re: 010-9143
Legislative Framework for Modernizing Environmental Approvals**

Dear Ms. Williams:

Established in 1986, the Ontario Professional Planners Institute (OPPI) is the recognized voice of the Province's planning profession and provides vision and leadership on planning issues. Government, private industry, agencies and academic institutions employ more than 3,000 practicing planners where they help create healthy communities in the Province of Ontario.

Land use planning decisions have always addressed land use compatibility. Land use compatibility involves, in part, an understanding of potential emissions and application of that understanding in planning decisions. The Ministry of the Environment D1 through D6 Guidelines were developed in the late 1970s and over the years have been used in planning decisions to address land use compatibility where potential emissions are concerned and to support Ministry regulation of potential emissions.

OPPI appreciates the opportunity to work with the Ministry on this important initiative so as to ensure that whatever approvals system emerges is supported by appropriate planning decisions. We are in general agreement with this initiative and offer the following comments from a planning perspective in order that decisions under the Planning Act and the modernized environmental approvals system are seamless and co-ordinated.

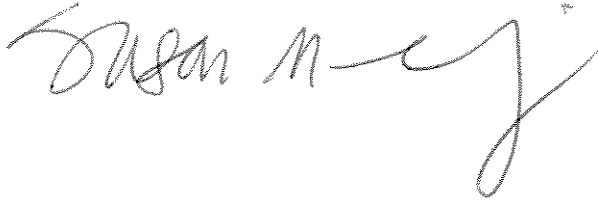
1. There does not appear to be a discussion of noise emissions in this paper. We understand the Ministry of the Environment initiated a review of policy applicable to noise some time ago. Will the two processes continue separately or will the efforts be merged?

The Ministry includes noise under current “air” certificates of approvals. The discussion of noise emissions should have been made more explicit in the discussion paper.

2. With respect to pre-screening applications, where municipal planning instruments are relied upon, especially the zoning bylaw, there needs to be an appropriate and full understanding of what these instruments provide for and what they do not. OPPI is concerned that decisions under the new system are based on the best planning interpretations possible and that, conversely, municipal and consulting planners understand how the Ministry is using these instruments so planning decisions support Ministry approvals.
3. With respect to “Eligibility Screening”, we recommend consideration of the following additional criteria: ambient air quality and other emissions sources in addition to the applicant’s facilities including arterial and series 400 highways. Tailpipe and road dust emissions (e.g., truck emissions) as well as fugitive emissions from construction sites and materials storage also need to be better addressed.
4. Sensitive uses have largely remained the same as the uses defined in the original land use compatibility guidelines written in the late 1970s. Our understanding of what constitutes a sensitive use has evolved and become more nuanced, especially as our knowledge of chronic diseases such as asthma have developed. OPPI believes the new approvals system needs to better address the health risks posed by respirable particulates, especially PM 2.5 and smaller particulate. The review of the D1 through D6 Guidelines should be co-ordinated with this effort to ensure the renewed guidelines are seamless in application with the modernized approvals.
5. The absence of a regulatory standard for PM 2.5 and smaller particulates has lead one municipality to pass a bylaw regulating respirable particulates. In our opinion, modernizing the approvals system without addressing a clearly defined standard for small particulate will result in an incomplete effort.
6. The Report of the Expert Panel on Climate Change Adaptation entitled *Adapting to Climate Change in Ontario*. OPPI recommends this initiative address the recommendations that apply especially the effect of warmer weather and smog alert events as a driver of smog creating chemical reactions. How will this approvals system support the capacity of the Ministry of Health and Medical Officers of Health address these events (see recommendation 16)?
7. The current regulations that exempt certificates of approval associated with Environmental Assessment Act processes from requirements for hearings and/or posting on the Environmental Bill of Rights Registry should not apply to certificates under the modernized process. Consultees should be assured of being able to review proposed facilities and activities at a certificate of approval level of detail, and should have Environmental Bill of Rights appeal rights for all certificates.

The Institute would be pleased to discuss our comments further if needed. For further information or to schedule a meeting, please contact Loretta Ryan, MCIP, RPP, Manager, Policy and Communications at 416 483-1873, x226.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Cumming". The signature is fluid and cursive, with a small mark above the final letter.

Susan Cumming, MCIP, RPP
President
Ontario Professional Planners Institute