



**BY MAIL**

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Senior Air Engineer  
Ministry of the Environment  
Operations Division, Environmental Assessment and Approvals Branch  
2 St. Clair Avenue West, Floor 12A  
Toronto, ON M4V 1L5  
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Dear Ms Vala:

**Re: EBR #010-7124 - McAsphalt Industries Limited  
Approval for discharge into the natural environment other than water  
(i.e. Air) - EPA s. 9**

Lake Ontario Waterkeeper is writing in response to the above-noted proposal by McAsphalt Industries for an amended site-wide Certificate of Approval for their facility in Oshawa.

The facility is located at 1221 Farewell Street in Oshawa, on a point of land jutting out into Lake Ontario. It is situated between the Oshawa harbour and an undeveloped piece of land that includes Gifford Hill and the protected Second Marsh. McAsphalt has applied for a Certificate of Approval to install a Delta Cooling Tower and a Torit Dust Collector on site. According to the Emissions Summary Dispersion Modelling Report (ESDM), the facility emits particulates, nitrous oxides, hydrochloric acid, volatile organic compounds (VOC's), fuel oil, 1,2,4-trimethylbenzene, benzene, ethylbenzene, hexane, toluene, and xylene.

According to the ESDM, POI concentrations of these contaminants are within provincial limits. However, as the facility is situated on Lake Ontario, the dispersion modeling used to determine the POI concentrations is insufficient to accurately model McAsphalt's emissions. The attached report by Dr. Henry Cole describes the air modeling approach that must be applied to facilities on the shore of large bodies of water like Lake Ontario. Dr. Cole explains the process of shoreline fumigation, which must be accounted for when considering the air emissions from any facility on the Lake.

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Consideration of the site-specific effects of emissions from the McAsphalt facility is mandated by law. According to the Ministry's Statement of Environmental Values (SEV):

The Ministry adopts an ecosystem approach to environmental protection and resource management. This approach views the ecosystem as composed of air, land, water and living organisms, including humans, and the interactions among them.

The Ministry considers the cumulative effects on the environment; the interdependence of air, land, water and living organisms; and the relationships among the environment, the economy and society.

The SEV requires the Ministry to apply an ecosystem approach to decisions, consider potential cumulative effects, and use a precautionary, science-based approach. Among other things, the SEV means the Ministry must consider existing contamination in the area, sensitive local populations and species, and **unique geographic or meteorological characteristics**. For facilities emitting air pollution near the shores of a large body of water like Lake Ontario, the Ministry must consider how shoreline fumigation will magnify the effects of pollutants in the local environment.

Lake Ontario Waterkeeper submits that site-specific air modeling for the McAsphalt facility must be completed, including a consideration of the effects of shoreline fumigation, before the Ministry of the Environment can make a decision on this proposal that complies with the SEVs.

If you have any questions or comments about this letter, please do not hesitate to contact Joanna Bull, Counsel for Lake Ontario Waterkeeper, at [joanna@waterkeeper.ca](mailto:joanna@waterkeeper.ca) or by phone at (416) 861-1237.

Yours truly,



Mark Mattson  
Waterkeeper & President

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