

1991 BILL 209

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

AIR QUALITY ACT

MR. MITCHELL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 209
Mr. Mitchell

BILL 209

1991

AIR QUALITY ACT

(Assented to , 1991)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) "Air Pollution Control Region" means a region designated as such pursuant to this Act;
- (b) "Airshed" is a geographical area defined according to shared air quality characteristics including the local sources significant for the production of air pollution in urbanized and industrial areas and the receptors potentially affected;
- (c) "Index" means the Air Quality Index established by this Act;
- (d) "Minister" shall mean the Minister of the Environment;
- (e) "Ministers" shall mean the Minister of the Environment together with the Minister of Health;
- (f) "Global Warming Pollutants" shall include carbon dioxide, chlorofluorocarbons and methane as well as any other pollutant which contributes to global warming;
- (g) "Pollutant" shall mean any gas, vapour or particle capable of being released into the atmosphere designated by this Act or by any regulation made under this Act and shall include, without being limited to:

- (i) carbon monoxide,
- (ii) nitrogen oxides including nitrogen dioxide,
- (iii) volatile organic compounds,
- (iv) ground level ozone,
- (v) sulphur dioxide,
- (vi) hydrogen sulphide,
- (vii) total reduced sulphur,
- (viii) suspended particles,
- (ix) global warming pollutants;

(h) "Pollutant generating activity" includes any activity which produces, causes or results in the production of a pollutant;

(i) "Pollution" shall mean the presence of pollutants in any concentration in the air of the Province;

(j) "Schedule" means the schedule of Pollutants established pursuant to section 6 of this Act.

Air Quality Index

2 (1) There shall be established an Air Quality Index for application throughout the Province.

(2) The Index shall provide a graduated scale against which variations in air quality as a result of the presence of pollutants in the air, changing meteorological conditions or a combination of the two, may be measured and related for purposes of

(i) assessing the quality of the air in the Province over time, and

(ii) informing the public on an hourly basis as is provided for in this Act.

(3) The Index shall include no less than five descriptive categories reflecting the possible effects of pollution on health, and may include the following categories:

- (i) very good,
- (ii) good,
- (iii) moderate,
- (iv) poor,
- (v) very poor.

(4) The numerical values to be assigned to each descriptive category shall be determined by the Ministers and shall take into consideration the effect of concentrations of each pollutant or combination of pollutants included in the Schedule on human health.

3 (1) The Ministers shall establish a committee (in this section called "the Committee") for purposes of:

- (a) identifying pollutants to be included in the Schedule; and
- (b) conducting appropriate research studies to determine the effect of individual pollutants or combination of pollutants on the health of the human population of the Province.

(2) The Committee shall consist of:

- (a) 3 experts in air pollution, health, and air pollution and health selected by the Environment Council of Alberta,
- (b) 1 representative from Alberta Environment,
- (c) 1 representative from Alberta Health,
- (d) 1 representative from Alberta Economic Development and Trade,
- (e) as many other experts as may be selected by the Lieutenant Governor in Council.

(3) The findings of the Committee shall be reported to the Ministers and the Ministers shall consider the recommendations of the Committee in implementing the use of the Index for general application within the Province.

4 (1) The Minister shall ensure that measurements of the levels of Pollutants designated on the Schedule as being particularly hazardous to human health are recorded for each Pollution Control Region not less than eight times daily.

(2) The recorded levels of each pollutant shall be correlated with meteorological data for that Pollution Control Region in direct correspondence with the time at which the level was recorded and related to the Index.

(3) The results referred to in subsection (2) shall be made available to broadcasting and print media for dissemination to the public in each Pollution Control Region no less than eight times daily.

(4) When the level of air pollution in a Pollution Control Region, or such other smaller region established by regulation, as indicated by the Index is of a concentration established in the regulations as constituting a risk to human health, the results referred to in subsection (2) shall be disseminated to broadcasting and print

media hourly.

5 The Minister shall make regulations:

(a) delimiting and designating airsheds according to studies of shared air quality characteristics including, but not restricted to, consideration of such factors as

- (i) sources of pollutants located within the Province,
- (ii) concentrations of sources of pollutants within the Province,
- (iii) the nature and quality including toxic effects of the pollutants,
- (iv) sources of pollutants located outside of the Province and which pollute air which enters the Province,
- (v) concentrations of sources of pollutants located outside of the Province and which pollute air which enters the Province;

(b) delimiting and designating Air Pollution Control Regions within the Province, including but not limited to consideration of previously delimited airsheds;

(c) prescribing measures to be adopted for the encouragement of reductions in pollutant levels and improvements in the quality of the air including but not limited to

- (i) issuance of tradable emission permits to industry,
- (ii) measures to reduce emissions from the use of private gasoline burning motor vehicles,
- (iii) measures to encourage the use of fuel efficient motor vehicles,
- (iv) measures to encourage the use of alternate fuel motor vehicles including clean burning fuels such as ethanol and natural gas,
- (v) measures to promote the use of clean burning fuels in commercial, manufacturing, processing and other pollutant generating activities,
- (vi) measures to promote the reduction of fossil fuel

consumption.

Ministerial
Regulations

6 The Ministers shall make regulations:

- (a) designating any gas, vapour or particle capable of being released into the atmosphere as a pollutant;
- (b) establishing a Schedule of pollutants and classifying those pollutants into such classes and sub-classes for the Air Quality Index and other pollution control purposes;
- (c) prescribing for each Pollution Control Region standards for the maximum permissible concentration of a pollutant specified in the Schedule or forming part of a class of pollutants specified in the Schedule;
- (d) prescribing the maximum permissible quantity or concentration of a pollutant specified in the Schedule or forming part of a class of pollutants specified in the Schedule that may be released into the air in the course of any commercial, manufacturing, processing or other pollutant generating activity;
- (e) prescribing the conditions under which a pollutant specified in the Schedule or forming part of a class of pollutants specified in the Schedule may not be released into the air in the course of any commercial, manufacturing processing or other pollutant generating activity;
- (f) specifying the records to be maintained by any person engaged in any commercial, manufacturing, processing or other pollutant generating activity which releases a pollutant into the air;
- (g) prescribing the frequency with which measurements of the levels of each pollutant are to be taken, recorded and published for each Pollution Control Region;
- (h) prescribing the minimum number of recording stations required for the effective measurement and monitoring of the levels of each pollutant in each Pollution Control Region;
- (i) prescribing the concentrations for each pollutant or combination of pollutants listed on the Schedule at which it is considered necessary to advise the public that exposure is likely to be detrimental to health.

Lieutenant
Governor
Regulations

7 The Lieutenant Governor in Council may make regulations:

(a) establishing a levy on air pollution sources to finance the monitoring programme;

(b) prescribing penalties for the contravention of an emission control order.

Review

8 The Ministers shall review and, if necessary, reduce the maximum permissible concentration levels established in the regulations every two years.

Emission Control Order

9 (1) If the Index indicates a concentration of any pollutant that exceeds the concentrations at which it is considered necessary to advise the public that exposure is likely to be detrimental to health as prescribed by the regulations, the Minister may, in addition to any other order which he may make under any other Act and subject to subsection (2) issue an emission control order limiting the use of automobiles or point sources of emissions or both, within such geographical area and for such length of time as the Ministers may consider appropriate for the protection of public health.

(2) An order made under this section shall:

(a) specify the geographical area within which the order is to have effect;

(b) specify the date and time at which the order is to take effect;

(c) be brought to public notice by

(i) publication of notice of the order in a newspaper circulating in the area for which the order is to have effect at least once 24 hours prior to the order taking effect, or

(ii) broadcast of the order over television and radio stations receivable in the area for which the order is to have effect at least 4 times in the 12 hours prior to the time for which the order is to take effect;

(d) take into consideration necessary public services and public safety in all other respects.

(3) An order made under this section shall not remain in effect for more than 48 hours following the time specified in the order as being the time at which the order came into effect.

General

10 The Minister may, for the purposes of preserving the quality of the air in the Province and for purposes of giving effect to this

Act, make use of the provisions of the *Clean Air Act*, *The Department of the Environment Act*, or any other Act which HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, may designate as successor legislation to those Acts.