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**CANADIAN INSTITUTE FOR ENVIRONMENTAL LAW AND POLICY**

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October 21, 1992

The Honourable Ruth Grier  
Minister of the Environment  
135 St. Clair Avenue West  
Toronto, Ontario  
M4V 1P5

CIELAP Shelf:  
Winfield, Mark; Mausberg, Burkhard; Canadian  
Institute for Environmental Law and Policy  
MISA Draft Regulation for Petroleum Refineries

RN 27286

Dear Ms. Grier:

**Re: MISA Draft Regulation for Petroleum Refineries**

While it has taken a long time to develop the first MISA control regulation, we are certainly glad to see MISA enter its critical and pivotal stage. Since the petroleum refining regulations are the first ones to be released, they will set important precedents for the subsequent industry sector regulations. Therefore, it is important that the petroleum refining regulations adhere to the new MISA principles announced by you in September of 1991. To this end, we will not review the technical nuances of the proposed regulations, but instead focus our response on two principles: pollution prevention and sunseting hazardous chemicals.

**POLLUTION PREVENTION**

On September 26, 1991, you stated that: "The first principle [of MISA] is that we are requiring industry to place its emphasis on pollution prevention."<sup>1</sup> However, the draft regulations do not require the main pollution prevention step for petroleum

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refineries: the replacement of cooling systems using once-through-cooling-water. In February of last year, CIELAP sent you a case-study on the petroleum sector, which identified once-through-cooling-water as a significant source of toxic pollutants (see enclosed copy).<sup>2</sup> Similarly, the background document on the development of the draft regulations recognised once-through-cooling-water as an important source of toxins from refineries.<sup>3</sup> Therefore, the pollution prevention principle would suggest replacement of this cooling system by an alternative system. As identified in the 1991 CIELAP case study, alternative cooling technologies readily exist and are currently being used by Ontario refineries. Since these alternatives may be costly, we recommend a long-term plan for implementation.

#### **RECOMMENDATION 1:**

All once-through-cooling-water systems be replaced within a ten-year time-frame by less polluting cooling technologies (for example, air cooling or cooling towers).

#### **SUNSETTING**

In your September 1991 announcement, we were also pleased to note that you have embraced the notion of sunsetting toxic substances. As a result, your staff at the Hazardous Contaminants Branch has developed and released a sunset candidate list in April of 1992.<sup>4</sup> The candidates for sunsetting, however, are not included in the draft regulations for petroleum refineries. While the limits for two substances (2,3,7,8-TCDD and 2,3,7,8-TCDF) from the lists of 21 and 46 are not to be measurable in the discharges of refineries, there are still some 65 compounds which are MOE sunset candidates that may still be discharged by Ontario refineries.

#### **RECOMMENDATION 2:**

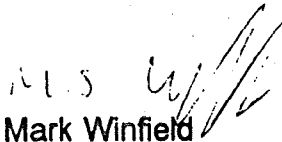
All sunset candidates identified by the Ministry of the Environment should be prohibited from being discharged by Ontario petroleum refineries. We recognize that a long-time phase-out plan will be required to implement this goal, perhaps up to ten years.

Ms. Grier, these two recommendations are consistent with the new thrust of MISA as announced in September of 1991. We trust that you will act to change the MISA petroleum refineries regulations to fulfil the new mandate of MISA, and we look forward to your response.

Best wishes,



Burkhard Mausberg  
Researcher  
Pollution Probe



Mark Winfield  
Research Director  
Canadian Institute for Environmental  
Law and Policy

encl.

cc. Isobel Heathcote, MAC Chair

## Notes

1. MOE Press Release, September 26, 1991. Pollution Prevention New Focus of MISA Program.
2. Susan Sang, 1991. Developing Technology-based Standards under the Municipal-Industrial Strategy for Abatement: A Case Study of the Petroleum Refining Industry. (Toronto: The Canadian Institute for Environmental Law and Policy).
3. Water Resources Branch, 1992. Background Document on the Development of the Draft Petroleum Refining Sector Effluent Limits Regulation, (Toronto: Ministry of the Environment).
4. A. Socha, et. al., 1992. Candidate Substances List for Bans and Phase-outs, (Toronto: Ministry of the Environment).