



STAFF REPORT ACTION REQUIRED

Prohibiting the Burning of Used Motor Oil for Space Heating in Toronto

Date:	March 29, 2007
To:	Board of Health
From:	Medical Officer of Health
Wards:	All
Reference Number:	

SUMMARY

Burning used oil for space heating is an unnecessary source of air pollution since cleaner-burning alternatives are available. This report describes whether the new *City of Toronto Act* provides wider jurisdictional authority to prohibit the burning of used motor oil in Toronto, in a manner that would supersede provincial permits for this activity, as requested by Council.

Legal Services advises that the new *City of Toronto Act* does not allow conflict between City by-laws and Provincial permits. A by-law as proposed would almost certainly face challenge on the basis that it conflicts with Provincial Certificates of Approval and could be struck down on that basis. However, on January 11, 2007, the Ontario Ministry of the Environment (MOE) announced its intention to ban the burning of used oil for space-heating, which would address the City's concerns. The Medical Officer of Health has expressed his support for the proposed ban to the Minister of Environment.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. the Board of Health forward this report to City Council; and that
2. City Council express its support to the Ontario Minister of the Environment for the proposed provincial ban on burning used oil for space-heating purposes.

Financial Impact

This report will have no financial impact.

DECISION HISTORY

At its meeting, May 23, 24 and 25, 2006, Toronto City Council adopted Motion J(19) [[http://www.toronto.ca/legdocs/2006/agendas/council/cc060523/nomj\(19\).pdf](http://www.toronto.ca/legdocs/2006/agendas/council/cc060523/nomj(19).pdf)]. Part (d) requested the Medical Officer of Health and the City Manager to report back to City Council on whether wider jurisdictional authority exists under the new *City of Toronto Act* for the City to prohibit waste motor oil burning in a manner that would supersede provincial certificates of approval. This report responds to that request.

ISSUE BACKGROUND

To eliminate the potential health and environmental impacts, the City of Toronto has a by-law prohibiting the burning of used motor oil for space heating purposes (By-Law No. 531-2000). However, facilities in Toronto have received approval from the Province to burn used motor oil for space heating.

COMMENTS

Burning used oil for space-heating purposes is an unnecessary contribution to air pollution in Toronto, since cleaner-burning fuels are readily available. According to the Ministry of Environment, a space heater burning used motor oil would emit 8,000 times more lead, 196 times more sulphur oxides, 128 times more arsenic and 35 times more inhalable particulate matter (PM₁₀), than a space heater burning home heating oil.

Council requested staff to report on whether “wider jurisdictional authority exists under the new *City of Toronto Act* for the City to prohibit waste motor oil burning in a manner that would supersede provincial Certificates of Approval”. The City Solicitor has indicated that the City may not enact by-laws where they are in conflict with Provincial permits. It is possible that the City could prohibit the burning of used oil where no Provincial permit has been granted.

However, on January 11, 2007 the Province of Ontario proposed banning the burning of used oil for space heating purposes. The proposed ban would help improve air quality and will also encourage the processing and re-use of used oil. The Medical Officer of Health has conveyed his support for the ban to the Minister of Environment. Enactment of the proposed regulation would address the City’s concerns about air pollutant emissions from the burning of used oil in Toronto, and eliminate the need for further City action on this issue. City Council’s support for the proposed provincial ban helps the Ontario Minister of the Environment move ahead on this initiative to protect air quality and health.

CONTACT

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SIGNATURE

Original signed

Dr. David McKeown
Medical Officer of Health

NOTICE OF MOTION**Support for City of Toronto By-law Prohibiting Burning of Used Motor Oil for Space Heating****Moved by: Councillor Carroll****Seconded by: Councillor Hall**

“**WHEREAS** burning waste motor oil releases a host of toxic substances into Toronto’s air, including heavy metals and carcinogens such as lead, cadmium, arsenic and trichlorethylene; and

WHEREAS re-refining used motor oil is an environmentally superior waste management option; and

WHEREAS the City of Toronto passed a by-law in 2000 prohibiting the burning of waste oil in space heaters; and

WHEREAS the federal government has categorized waste motor oil as ‘toxic’ under the Canadian *Environmental Assessment Act*; and

WHEREAS the Minister of the Environment in 2002 designated used motor oil as a waste for which a stewardship management plan focused on re-use and recycling be developed; and

WHEREAS the City of Toronto’s by-law prohibiting burning waste oil in space heaters may be superseded by a provincial certificate of approval; and

WHEREAS the Ministry of Environment lifted a six-year moratorium on new certificates of approval to burn used motor oil as fuel in 2003 and has awarded two new certificates of approval to facilities in Toronto; and

WHEREAS there are already over 40 facilities in Toronto that have historical permits from the 1990s to burn used motor oil in space heaters; and

WHEREAS Ontario Redimix Ltd. at 21 Goodmark Place, Suite 3, in Toronto has applied for a certificate of approval to burn waste motor oil for space heating; and

WHEREAS formal comments in writing regarding Redimix Ltd.’s application will be accepted by the Ministry of the Environment until June 1, 2006;

NOW THEREFORE BE IT RESOLVED that Toronto City Council direct the Medical Officer of Health and the City Manager to direct the appropriate staff to:

- (a) submit a formal objection to the Ministry of the Environment regarding Redimix Ltd.'s application to burn waste oil for space heating by June 1, 2006, on the grounds of protecting Toronto's already burdened air quality and respecting Toronto's by-law prohibiting the burning of waste oil in a heating device;
- (b) submit formal objections to any future proposals to burn waste motor oil in space heaters in Toronto whenever such a proposal is posted for comment on the Ontario Environmental Registry;
- (c) formally request the Ministry of the Environment to issue no new certificates of approval to burn waste motor oil and expire all existing certificates of approval in Toronto within the next two years; and
- (d) report back to City Council on whether wider jurisdictional authority exists under the new *City of Toronto Act* for the City to prohibit waste motor oil burning in a manner that would supersede provincial certificates of approval;

AND BE IT FURTHER RESOLVED THAT the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of this Notice of Motion at the meeting of Council on May 23, 2006.”

May 23, 2006

According to Chapter 27 of the Municipal Code, the foregoing Notice of Motion:

Notice was previously given	
Meets Municipal Code provisions and only requires a simple majority to introduce and debate	
Requires two-thirds to waive notice	(√)
Requires two-thirds to re-open	
Fiscal Impact Statement provided	*
Should have Fiscal Impact Statement prior to debate	*
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to the Works Committee	(√)
Requires two-thirds to waive referral if Council wishes to debate	
Recommendations are time sensitive	(√)

* Deputy City Manager and Chief Financial Officer to advise.