

March 5, 2021

Kelly Miki, Manager (Acting)
Local Air Quality Permits
Ministry of Environment, Conservation and Parks
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5

Dear Ms. Miki:

Re: ERO Number: 019-1107 (Proposed Regulation for the Nickel Smelting and Refining Industry)

As you know, the Association of Professional Engineers of Ontario (PEO) is mandated under the *Professional Engineers Act* (PEA) to regulate the practice of professional engineering in the province. In that context, we would like to comment on a section of the above-noted proposed regulation that indirectly pertains to how engineering as a profession is regulated in Ontario. Under our legislative scheme, we regulate those who are licensed as Professional Engineers (P.Eng.). We also issue limited licences and temporary licences to those who meet the requirements of the PEA and the regulations thereunder. Those persons are also subject to our regulatory authority.

We, therefore, ask that you consider the following when amending the regulation.

Section 3(4)(b)—Proposed Operating Requirements

The section in question states that “a facility shall not discharge sulphur dioxide from a source that is controlled by a piece of pollution control equipment, unless the pollution control equipment for that source is operating in accordance with a professional recommendation”, and that that professional recommendation could include written advice from a “*licensed engineer*”.

PEO recommends replacing all references to “*licensed engineer*” in the proposed regulation with “licensed engineering practitioner” and adding a definition in Section 1 of the regulation (or wherever appropriate) that states:

“licensed engineering practitioner” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*

This definition has also been used in recent regulations under the *Environmental Protection Act*, the *Safe Drinking Water Act* and the *Health Protection and Promotion Act*.

PEO is happy to discuss this further should you require further clarification.

We look forward to your response.

Sincerely,



Johnny F. Zuccon, P.Eng., FEC

cc: Candace Whitney, Counsel, Ministry of the Attorney General