

# Clean Air Act Regulations

by Juli Abouchar

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The Department of Environment is working on two important regulations under the Clean Air Act. The Administrative Penalties Regulation is complete following public consultation. The regulation establishes a sliding scale of penalties from \$200 to \$5,000 for violations of the Clean Air Act that result in minor harm to the environment or are of an administrative nature (for example not notifying the DOE of a change of address of an industrial permit holder). This regulation will enable the DOE to collect a fine (albeit for a pretty insignificant amount) without having to proceed through the court process. The alleged violator can opt to pay the fine or proceed to a full court hearing.

The second regulation establishes a citizen participation process for the Class I Approvals (major air pollution emitters). The regulation also opens up the EIA screening process to public comment. The proposals for this regulation are available for comment from the DOE. The DOE proposes to allow the public to comment on an industry's Class I approval whenever it is going to be modified such that more air pollution will be created, or renewed. Short of commenting and receiving a response detailing how the comments were taken into account, the process gives citizens no process rights. Neither hearings nor mediation is mandated where warranted by air pollution concerns. Although industry has a right to appeal an approval, citizens who have participated in the process have no right to object or appeal. The proposals have a way to go before they provide citizens in New Brunswick with meaningful participation.