AUCKMAN CONSULTING INC.

To: Ron Haley, Novus Environmental
ronh@novusenv.com

CC: Scott Penton, Novus Environmental
scottp@novusenv.com
Nigel Taylor, Novus Environmental
nigelt@novusenv.com

From: Sarah Lantz, Auckman Consulting Inc. (ACI)
Sarah.lantz@cogeco.ca

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RE: Project ACI_062511
Review of hazard and risk issues regarding the proposed Farmtech Ethanol Facility in the City of Oshawa

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Novus Environmental has requested that ACI provide a preliminary review of policies and documents relating to hazard and risk issues at the proposed Farmtech Ethanol Facility in the City of Oshawa. The following documents were examined:

1. Screening Report – Farmtech Ethanol Facility (prepared by AMEC), June 2011
2. Emission Summary and Dispersion Modelling Report for Proposed Ethanol Production Facility in Oshawa, Ontario
3. Environment Canada Canadian Environmental Protection Act Environmental Emergency (CEPA E2) regulation
4. Agriculture and Agri-Food Canada Environmental Assessment Guidelines for Screening Level Assessments of Ethanol Projects under the Canadian Environmental Asssessment Act (CEAA)

Five key issues relating the hazards and risks at the proposed ethanol plant are discussed in detail below, followed by a summary of the recommendations and some additional comments regarding the CEAA. The Appendix includes a general discussion of Federal Environmental Emergency Regulations under Part 8 of CEPA 1999 (the CEPA E2 Regulations).

Introduction

Based on a review of the documents submitted by the proponent, the most significant omission in the publicly available documentation is the lack of information regarding consideration of specific accident and malfunction scenarios at the proposed ethanol plant. The health and safety risks to persons, property and the environmental impacts of malfunctions or accidents that may occur and any cumulative environmental impacts that are likely to result cannot be assessed based on the documentation provided by the proponent. In this respect, the scope of assessment and level of

analysis outlined by the proponent does not comply with the requirements of the CEAA or the environmental assessment guidelines for screening level projects under the eco-Agriculture Biofuels Capital Initiative (AAFC, 2007), specifically, under section 16(1) of the CEAA and the environmental assessment guidelines for screening level projects.

The potential for significant offsite impacts associated with unplanned incidents, project malfunctions or accidents must be addressed by the proponent. This is particularly important considering the sensitive natural heritage, cultural and public recreational features that will be at risk and may be adversely impacted by an incident at the proposed facility. The assessment of risks provided by the proponent is limited to a general qualitative statement of the potential risks, without the proponent supporting such statements with an accompanying quantitative analysis of the hazards and risks of accidents or malfunctions. The proponent's assertions regarding minimal off-site impacts are not supported by the documentation they have provided to the public.

The proponent must demonstrate that it has a clear understanding of the hazards and risks posed by the proposed facility and that the proponent provide the City of Oshawa and other stakeholders with a rigorous and publicly defensible approach to quantifying these risks. There are several hazards and risks associated with ethanol production and it is important that the proponent fully appreciates the potential for significant offsite impacts and that the proponent is able to communicate to all of the stakeholders, including the City of Oshawa, the extent to which potential impacts may extend beyond the property boundaries.

Issue 1: ***The environmental impacts of malfunctions or accidents that may occur and any cumulative environmental impacts that are likely to result have not been considered.***

The scope of assessment and level of analysis provided by the proponent does not comply with the requirements of the CEAA or the environmental assessment guidelines for screening level projects under the eco-Agriculture Biofuels Capital Initiative (AAFC, 2007). Specifically, under section 16(1) of the CEAA and the environmental assessment guidelines for screening level projects under the eco-Agriculture Biofuels Capital Initiative (AAFC, 2007), every screening must consider the following factors:

- *environmental effects of the project, including the environmental impact of malfunctions or accidents that may occur in connection with the project, and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;*
- *the significance of the effects listed in the previous paragraph;*
- *comments from the public that are received in accordance with the CEAA and regulations;*
- *measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project; and*
- *any other matter relevant to the screening, such as the need for alternatives to the project, that the RA may be required to consider.*

From the information provided by the proponent, the potential for significant off-site impacts to the environment, health and safety from malfunctions or accidents at the proposed facility cannot be assessed, especially with respect to the sensitive natural heritage, cultural and public recreational features that may be affected by the facility.

Issue 2: The proponent has not provided a quantitative site specific hazard and risk assessment for the proposed ethanol production facility

The proponent has an onus to demonstrate the appropriateness of this facility at this site and an essential aspect of this is a discussion and demonstration of the safety considerations. Understanding the site specific hazards and risks is an essential part of ensuring that risk mitigation in the form of separation distances and buffer zones is adequate and that the allocation of appropriate resources and training for emergency response is sufficient. A review of similar ethanol production facilities constructed within the past 5 to 10 years to compare the QRA scenarios and approaches with best practices applied in other North American jurisdictions. There have been several incidents at ethanol production facilities in North America over the past decade. The potential risks associated with the proposed facility may also be evaluated in the context of a review and summary of incidents over the past 5 to 10 years, with particular attention to known causes and extent of offsite consequences. This summary should be compared to mitigation measures planned or in place at the proposed facility, and any additional issues raised can be addressed by the proponent.

The location of an ethanol production facility at the Oshawa site proposed may pose unique risks to the surrounding environmentally sensitive lands and significant offsite impacts. A quantitative hazard and risk assessment for the proposed ethanol production facility may be used to:

i. evaluate the appropriateness of locating such an ethanol production facility on the proposed site, near sensitive environmental features and bordering public recreation areas and other industrial facilities;

ii. examine the potential for significant off-site impacts posed by the proposed facility in the event of an accident;

iii. ensure that appropriate resources and emergency response plans are in place to both manage the response in the event of an accident or upset condition at the proposed facility and to mitigate the potential for significant damage to persons, property and the environment; and,

iv. ensure that appropriate separation distances or buffer zones are in place surrounding the proposed ethanol facility, and that, if appropriate separation distances and buffer zones are not possible at this site to mitigate risks and minimize the potential for significant offsite impacts, then other uses for the property are considered.

It is recommended that a site specific quantitative hazard and risk assessment (QRA) for the proposed ethanol facility be completed by the proponent prior to any further consideration of the proposed facility and must be made available to the City of Oshawa and other stakeholders. This assessment should be in addition to any studies regarding chronic exposure and long term human health risks that may have already been completed or addressed elsewhere by the proponent. The assessment should also include a quantitative assessment of the hazards and risks associated with the hazardous materials stored on site and used in the production of ethanol at the facility, as well as any hazards posed by the ethanol production process itself. The QRA should include, at a minimum, a review of the hazards associated with the storage and/or production of sodium hydroxide, sulphuric acid, anhydrous ammonia, gasoline and ethanol. The potential for significant offsite consequences should include, at a minimum: toxicity associated with the release of toxic gases and liquids; heat radiation exposure associated with potential flammability hazards; and damaging overpressures associated with explosion hazards on site.

It is unclear from the documents provided by the proponent whether or not a QRA has been completed, and to what extent an appropriate quantitative analysis of accident scenarios has been used to ensure that the design and mitigation proposals for the facility will be adequate to ensure that no significant offsite impacts are expected in the event of an accident or malfunction. If a QRA has not been completed by the proponent addressing, at a minimum, the items outlined above, it is recommended that the proponent provide all of the necessary information to the City of Oshawa and fund the costs associated with completing this study, before further consideration is given to the siting of the proposed facility. If such an assessment has already been completed by the proponent, the QRA and all relevant documentation should be provided to the City of Oshawa and other stakeholders for their review.

Issue 3: The proponent has not demonstrated that it will be able to comply with the Environmental Emergency Regulations under Part 8 of CEPA 1999 (CEPA E2 Regulations)

In the summer of 2003, the Federal Government of Canada brought in new environmental regulations under the Canadian Environmental Protection Act (CEPA). One of the goals of the regulation is to ensure that there are appropriate risk management options to identify and deal with the potential risks associated with the storage, manufacture and use of hazardous substances in Canada. The Environmental Emergency or “E2” regulations affect any facility with one or more of the hazardous substances identified in the legislation. According to the CEPA E2 list of hazardous substances, anhydrous ammonia is on the CEPA E2 list and an E2 plan will be required by the proposed facility if the amount stored on site exceeds the threshold value of 4.5 tonnes. (For additional details, please see the excerpt from the CEPA E2 list of hazardous substances provided in the appendix). Knowing that the proposed facility will have to have an E2 plan and will have to comply with the E2 regulation, it would be prudent for the proponent to demonstrate that it will be able to satisfy the CEPA E2 requirements before proceeding further. CEPA E2 plan requirements include the completion of risk assessments for worst probable and worst possible scenarios as part of the “Prevention” aspect in emergency planning.

In addition, the ESDM Report "Source Summary Table" (Table 5.1) lists several substances that may be released through fugitive emissions from the various storage tanks at the facility, and a number of these substances are also included on the CEPA E2 list of hazardous substances (for example, toluene, butane, and pentane). A review of the CEPA E2 documentation for the proposed facility should also include a review of the maximum volume stored on site for each substance that is covered under the CEPA E2 regulations (even if they appear as part of a mixture) to determine whether these substances, along with anhydrous ammonia, need to be included in a CEPA E2 environmental emergency plan.

According to the publicly available information on the CEPA E2 database, there are at least six other ethanol production facilities that have filed notices with Environment Canada under the CEPA E2 regulations. A review of the hazard and risk studies completed by these facilities and the information provided by these facilities to their municipal emergency responders and to other stakeholders and land owners at adjacent properties may also be useful for the City of Oshawa.

Issue 4: The proponent has not demonstrated that it has considered the unique site specific issues regarding the potential for significant offsite impacts in the event of an accident at the proposed facility

In addition to standard engineering best practices in reviewing a quantitative hazard and risk assessment for the proposed facility, there is a particular concern in this instance for significant off-site impacts given the location of the proposed facility. The property for the proposed facility is bounded by: industrial zoning, wetlands, bodies of water and recreational land use. In the event of an accident or malfunction, the potential for significant off-site impacts is heightened given the probability of predominantly sensitive environmental and human receptors near the proposed facility. In addition, the potential for significant off-site impacts is also increased because of the potential for adverse impacts at adjacent industrial facilities, both existing and those permitted by zoning (knock on effects) following an accident. For example, in the event that overpressures or heat radiation exposures extend beyond the proposed facility site, then a review of potential off-site impacts would be prudent and would require detailed information regarding storage and operations at the potentially impacted neighbouring facilities (and those that would be permitted by zoning in the future as well). In the event that a toxic release occurs, appropriate endpoints for consequences and risks would need to be determined for both the human and non-human sensitive receptors identified in the surrounding sensitive environmental areas. The effects of proposed mitigation and recovery in the event of an incident may also have serious consequences for the surrounding environment, given the predominance of waterways and bodies of water bounding the property where the proposed facility is to be constructed. Standard methods of addressing fire hazards at ethanol plants, for example using chemical foam retardants, may result in lasting and significant environmental damage and the costs and plans for both mitigation and recovery should be addressed in detail prior to construction.

Issue 5: The proponent needs to provide further clarification with respect to specific references within the documentation provided.

The following items within the Screening Report (Farmtech Ethanol Facility, prepared by AMEC, June 2011) require further clarification:

a) p. 149 Table 7.1,

The "response to public comment #17" refers to separation distances from adjacent properties in the event of an accident ("Separation distances from adjacent properties or structures exceed code requirements"). However, no details are provided in Section 4.5.9 or the tables regarding what specific calculations have been completed, what specific accidental release scenarios have been considered and what code requirements have been referenced with respect to the impacts from accidents or malfunctions. Without providing any supporting documentation, this assertion is unsubstantiated.

b) p. 149 Table 7-1,

The "response to public comment #18" refers to adequate emergency response and action plans in place or planned, however no details are provided in Section 4.5.9 and the tables regarding the specific accidental release scenarios contemplated and the method for quantifying the extent of offsite impacts in determining the possible emergency situations and the potential resource allocations or impacts on neighbouring facilities, recreational areas, the 401 highway and the City of Oshawa. Again, without providing any supporting documentation, this assertion is unsubstantiated.

The following items within the "Emission Summary and Dispersion Modelling Report for Proposed Ethanol Production Facility in Oshawa, Ontario" require further clarification:

a) p. 3.1 Section 3.1.1,

The reference to the design of the anhydrous ammonia tank (ST7), indicates that "The tanks will be designed to minimize the risk of emergencies occurring", however no details are provided with respect to specific design considerations and what specific emergency scenarios were considered to minimize the risks, the probability of a release occurring and the consequences of a release scenario. The hazards and risks of accidents or malfunctions cannot be assessed without additional details and supporting documentation from the proponent.

b) p. 4.5, Section 4.2.8

In the reviews of the sample calculations and use of TANKS software for evaluating tank emission rates under standard operating conditions, no reference is made to what calculation methods and software were used to evaluate the consequences of rupture or accidental release

scenarios to determine release rates and offsite consequences in the event of an accidental release.

c) Appendix B1 and Appendix C

The proponent has provided a list several of the chemical storage tanks that are expected to be at the proposed facility and the expected storage quantities and the MSDS information for the hazardous materials, however no further information or analysis is provided regarding accidental release scenarios, the potential for significant offsite impacts and the design of mitigation, emergency response and recovery measures given the properties and storage conditions for these hazardous materials.

List of Recommendations

- Request that the proponent provide the City of Oshawa with a comprehensive review of the environmental effects of the project, including the environmental impact of malfunctions or accidents that may occur in connection with the project, and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out.
- Request that a site specific quantitative hazard and risk assessment (QRA) for the proposed ethanol facility be completed prior to construction and be made available to the City of Oshawa and other stakeholders.
- Complete a review of similar ethanol production facilities constructed within the past 5 to 10 years to compare the QRA scenarios and approaches with best practices applied in other North American jurisdictions.
- Complete a review and summary of incidents at ethanol facilities over the past 5 to 10 years, with particular attention to known causes and extent of offsite consequences. This summary can be compared to mitigation measures planned or in place at the proposed facility, and any additional issues raised can be addressed by the proponent.
- Request a copy of the CEPA E2 documentation for the proposed facility and review this information, including a review of the maximum volume stored on site for each substance that is covered under the CEPA E2 regulations (even if they appear as part of a mixture) to determine whether these substances, along with the anhydrous ammonia, need to be included in a CEPA E2 environmental emergency plan.
- Review the hazard and risk studies completed by the six ethanol facilities that have currently filed notices with Environment Canada under CEPA E2 and review the information provided by these facilities to their municipal emergency responders and to other stakeholders and land owners at adjacent properties.
- Review the list of potential off-site impacts in the context of storage and operations at the potentially impacted neighbouring facilities (and those that would be permitted by zoning in future as well).

- Review and, if necessary, develop appropriate endpoints for consequences and risks for both the human and non-human sensitive receptors identified in the surrounding sensitive environmental areas.
- Review the effects of proposed mitigation and recovery in the event of an accident at the proposed facility with specific consideration for the sensitive land uses in the surrounding environment and the predominance of waterways and bodies of water bounding the property where the proposed facility is to be constructed.
- Follow-up with the proponent for further clarification on specific items from the reports submitted.

Additional Comments

The proponent has not demonstrated that this project meets the basic threshold criteria for environmental, health and safety considerations. There are well established methodologies for demonstrating the appropriateness of a specific site for a facility such as the proposed ethanol facility, and these include:

- the U.S. EPA's RMP Guidelines which define worst case and probable release scenarios in the event of an accident or malfunction;
- Canada's MIACC Land Use Planning Criteria which include suggested separation distances and buffer zones for various levels of risk posed by a facility;
- Industry guidelines, including the Centre for Chemical Process Safety (CCPS) Guidelines for Quantitative Hazard and Risk Assessment

Before even considering the operational aspects of the proposed ethanol facility, the feasibility of this project must be considered within the context of a publicly available quantitative hazard and risk assessment for the proposed ethanol production facility.

Proceeding further with this application without an opportunity for the public to review a site specific quantitative hazard and risk assessment for the proposed facility would be a significant oversight. The federal regulating authorities would be setting a dangerous precedent of allowing a proponent to proceed with a proposed development based on the presumption of safety and the assertion that simply because an accident is unlikely, no further planning or consideration is required by the proponent.

The claim that the environmental effects of an accident or malfunction at the proposed facility will be minimal simply because of the projected infrequency of occurrence is unsubstantiated by the proponent`s analysis and is unsubstantiated by any technical studies or historical evidence – the frequency of occurrence has no correlation with the potential impact of an accident. An equipment

malfunction, an accidental release or a catastrophic failure need only occur once for irreparable harm and irreversible damage to occur to the surrounding environment. The proponent's unsubstantiated claim that the residual environmental effects of an accident or malfunction will be minimal demonstrates a troubling lack of understanding of the basic principles of environmental health and safety and a lack of consideration for the proponent`s considerable responsibility regarding health and safety and environmental stewardship, given the scope of the proposed project.

Before proceeding further with this application the proponent must provide detailed documentation to the public of the site specific studies assessing the impacts of an accident or malfunction at the facility.

The CEAA is very clear in its guidelines that, under section 16(1) of the CEAA, every screening shall consider "the environmental impact of malfunctions or accidents that may occur in connection with the project" during construction, operation, modification, and decommissioning/abandonment. Accidents or malfunctions must be considered as part of the CEAA, regardless of whether or not the proponent is utilising best practices and meeting minimum safety standards.

Closing

If Novus or your client requires further assistance or decides to proceed with the above recommendations, I would be pleased to provide you with a proposal to assist you in completing this work and communicating these results to the applicable regulatory bodies and others, as required.

Thank you again for providing ACI with the opportunity to work with Novus on this project. If you have any questions or require additional information, please do not hesitate to contact me at 416-802-4923 or by email at sarah.lantz@cogeco.ca.

Yours sincerely,

Sarah Lantz
Auckman Consulting Inc.

Appendix A: Additional Information on Environmental Emergency Regulations under Part 8 of CEPA 1999 (the CEPA E2 Regulations).

This appendix provides the following additional information relating to CEPA E2 issues:

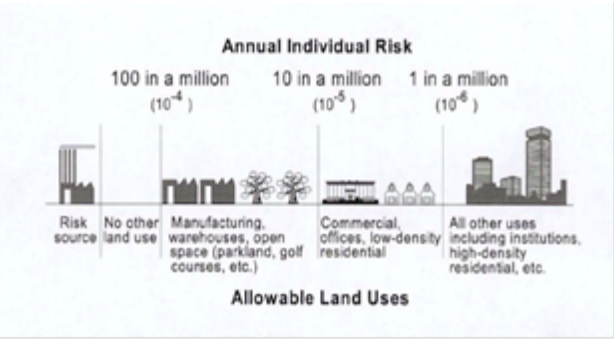
- background information on MIACC guidelines for best practices in determining risk acceptability criteria within the context of land use planning;
- a brief introduction to the CEPA E2 regulations and their specific application to the proposed ethanol facility; and,
- additional discussion comments from the CEPA E2 website.

Excerpts from this appendix have been included in the main body of the reporting letter.

Background (MIACC)

In 1987 the Major Industrial Accidents Council of Canada (MIACC) was established Canada. This group brought together stakeholders from government, industry and municipalities to develop and harmonize prevention, preparedness and response programs to reduce the frequency and severity of potential major industrial accidents.

Although the group was disbanded in 1999, several documents and guidelines produced by MIACC are available for reference. In particular, the group developed a series of risk assessment guidelines and criteria for carrying out risk assessments for industry within Canada. The MIACC documents outlined a series of calculations to obtain "the distance at which the risk posed by possible accidents meets any chosen criterion of acceptability". The guidelines illustrated the use of buffer zones and allowable land uses that can be referred to by industry and municipalities to assist in the establishment of buffer zones. Implicit in the figure are risk acceptability criteria, described by MIACC as follows: "annual individual fatality risk of 1 in 10,000 (or 10^{-4}) from the presence of a facility is considered unacceptable for a member of the general public, and the area defined by this risk contour is called the exclusion zone. A risk of less than 1 in 1,000,000 (or 10^{-6}) is considered negligible, and the use of land beyond this risk contour is not restricted by the presence of the facility." (See figure below, from the MIACC Risk Assessment Guide for Municipalities and Industry).



Application of the MIACC criteria involves first completing a risk assessment for the industrial facility, and then drawing risk contours around the facility to establish the suggested allowable land uses surrounding the industrial facility. The accuracy of the contours depends on the degree of detail in the risk assessment. Although the MIACC guidelines are not part of existing federal, provincial or municipal regulations relating to the site for the proposed facility, the guidelines and methodology for assessing risk acceptability criteria have been utilised in Canada as one approach to applying the results of hazard and risk assessments in land use planning.

CEPA E2 Regulations

In the summer of 2003, the Federal Government of Canada brought in new environmental regulations under the Canadian Environmental Protection Act (CEPA). The goal of the regulations is to ensure that there are appropriate risk management options to identify and deal with the potential risks associated with the storage, manufacture and use of hazardous substances in Canada. The Environmental Emergency or "E2" regulations affect any facility with one or more of the hazardous substances identified in the legislation. According to the CEPA E2 database, anhydrous ammonia is on the CEPA E2 list and an E2 plan will be required by the proposed facility (see excerpt from the CEPA E2 list of hazardous substances below).

Schedule 1: Part 2 - Other Hazardous Substances

Substance Name	CAS number	UN number	Concentration	Threshold Quantity (tonnes)
allyl chloride	107-05-1	1100	10%	9.10
allylamine	107-11-9	2334	10%	4.50
ammonia solution	7664-41-7	2073 & 2672	20%	9.10
ammonia, anhydrous	7664-41-7	1005	10%	4.50
arsenic trichloride (arsenous trichloride)	7784-34-1	1560	10%	6.80
arsine	7784-42-1	2188	1%	0.45

The "Source Summary Table" (Tables 5.1 of the ESDM Report) lists several substances that may be released through fugitive emissions from the various storage tanks at the facility, and a number of these substances are also included on the CEPA E2 list of hazardous substances (for example, toluene, butane, pentane, etc.). The maximum volume stored on site for each substance that is covered under the CEPA E2 regulations (even if they appear as part of a mixture) should be included and reviewed to determine whether these substances, along with the anhydrous ammonia, need to be included in a CEPA E2 environmental emergency plan.

According to the publicly available information on the CEPA E2 database, the following six ethanol production facilities have filed notices with Environment Canada under the CEPA E2 regulations:

- Éthanol Greenfield Inc (Varennes, Quebec)
- Greenfield Ethanol (Chatham, Ontario)
- Greenfield Ethanol Johnstown Partnership (Prescott, Ontario)
- Husky Oil Operations Limited - Minnedosa Ethanol Plant (Minnedosa, Manitoba)
- IGPC Ethanol Inc. (Aylmer, Ontario)
- Suncor Energy Products Inc., St. Clair Ethanol Site (Mooretown, Ontario)

Companies that fall under the E2 regulations must develop an E2 (environmental emergency) plan,

which, according to the regulations, should deal with the following elements of an environmental emergency:

- Prevention - Risk assessments of worst probable and worst possible scenarios;
- Preparedness - Training and review of plan with key personnel and responders (both onsite personnel and offsite, municipal first responders);
- Response - Communication and management of the emergency situation; and,
- Recovery - Restoration of the environment following an incident.

Although actual E2 plans are not sent to Environment Canada (only a notice of preparation is submitted, indicating that the plan has been prepared) a copy of the entire plan must be available for inspection and, if necessary, implemented in the event of an emergency. Under the E2 legislation, E2 plans must also be tested annually to simulate an emergency situation.

Additional Discussion Notes Regarding CEPA E2

Some additional discussion notes from the E2 website relating to types of scenarios that should be addressed in preparing for emergency planning are included below and may be of particular interest in the context of a review of how the E2 regulations may be applied with respect to the Oshawa ethanol facility:

"The intent of the E2 Regulations is to provide a flexible approach to emergency planning. Environment Canada appreciates the fact that environmental emergency plans will differ across Canada, as all facilities are different. Several facilities are responsible for many regulated substances, and must be prepared for the likelihood of many specific incidents that could potentially occur at their site. Consequently, it would be reasonable to expect companies to elaborate on the most probable scenarios along with the means of preparing for and responding to such events.

A listing of the most probable as well as the "worst-case" scenarios would be most appropriate, where potential emergencies expected to occur, are identified. A description of mitigation measures to address all emergencies described above would then also be required.

Section 4(3)(c) of the Regulations says: "The environmental emergency plan must include the following information: a description of the measures to be used to prevent, prepare for, respond to and recover from any environmental emergency." The key to reducing the frequency and severity of environmental emergency events is preventing them from happening in the first place. The most effective risk management actions combine prevention activities with appropriate preparedness, response and recovery. Case histories have shown that it is much more cost effective to implement an appropriate risk management program in advance than to repair any resulting damage done to the place or to the environment after the fact. With preventive action, problems can be anticipated, corrective action can be taken and risks can be managed to avoid environmental damage. Factors such as the extent of damage, availability and commitment of personnel, resources and finances all determine how long the recovery process will take. It is important to establish a pre-planned capability to recover and undertake swift damage assessments, because the longer it takes to recover, the higher the ultimate cost."

Some additional discussion notes from Environment Canada relating to the type of emergency

planning which should be made available to the public and to first responders, which may be of particular interest when reviewing the Oshawa ethanol facility:

"Once reviewed, information submitted to Environment Canada will be made available to the public and to first responders to the extent legally permissible. Steps will be taken to manage and provide information to the public in a way that does not place Canadians at risk through access to such information by potential criminal or terrorist elements. Also, Government of Canada policies respecting the disclosure of Confidential Business Information will be adhered to."