



### Regulation Proposal Notice:

#### Title:

Environmental Assessment process requirements for certain waste management sites.

**EBR Registry Number:** RA06E0018

**Ministry:** Ministry of the Environment

**Date Proposal loaded to the Registry:**

December 07, 2006

The comment period for this proposal is now over.

### Description of Regulation:

In April 2004, the Minister of the Environment appointed an advisory panel and three sector tables (Waste, Transportation/Transit, and Energy) to recommend ways to improve the environmental assessment (EA) process. In March 2005, the advisory panel submitted its findings to the Minister, identifying recommendations to improve EA processes.

In June 2006, the Minister announced an action plan to implement EA improvements, taking into account the advisory panel's recommendations and the results of the ministry's public consultation on the recommendations. One of the components of the action plan is to create a regulation with an incorporated guide under the EAA to provide an EA process for activities at certain waste disposal sites in the Province of Ontario.

The Ontario Ministry of the Environment (MOE) is proposing to make a regulation which will provide improvements to the process to assess waste disposal sites.

The process in the proposed regulation and incorporated guide will achieve the same level of environmental protection as is achieved presently, but in a more efficient manner. Clarity, consistency and timeliness of process for the assessment of certain activities at waste disposal sites are necessary for investments to be made in waste management infrastructure. The regulation and incorporated guide will apply to both private and public activities at waste disposal sites.

The proposed process will provide for a streamlined review of activities related to waste disposal sites with known environmental impacts and standard mitigation measures. At the same time, activities with characteristics which require a greater level of assessment will be subject to an appropriate level of consideration.

Proposed approach in the regulation:

The proposed regulation deals with activities at certain waste disposal sites in three fundamental ways:

**Individual EA** - First, certain activities related to particular types of waste disposal sites are designated as subject to the EAA. For these, an environmental assessment under Part II of the Act (an individual environmental assessment) is required and the activity must be assessed and approved before proceeding (see section 2 of draft regulation)

**Environmental Screening** - Second, certain activities related to other types of sites are designated as subject to the EAA but are exempt from the requirement of an individual EA and approval. The activity is examined through a self-assessment process, known as the Environmental Screening Process as set out in the incorporated guide. (see section 3 of draft regulation)

**Exemption** - Third, certain activities related to other types of sites are designated as subject to the EAA but are exempt. No environmental assessment process under the EAA is required. Again, this exemption does not affect any other approval requirements under other environmental legislation, such as the Environmental Protection Act (EPA). (see section 5 of the draft regulation)

It is important to note that the regulation is not intended to capture the activities of all types of waste disposal sites. There are activities related to some types of waste disposal sites (e.g transfer stations handling less than 1,000 tonnes/day.) that are not designated by this regulation and are therefore not subject to the EAA.

Individual EA - Description:

### Contact:

Project Manager  
Strategic Policy Branch  
135 St. Clair Ave West, 11th floor  
Toronto Ontario  
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### Additional Information:

**The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.**

Strategic Policy Branch  
135 St. Clair Avenue West, 11th floor  
Toronto Ontario  
M4V 1P5  
Phone: (416) 314-3372

**The documents linked below are provided for the purposes of enhancing public consultation.**

All links will open in a new window

1. <http://www.ene.gov.on.ca/envregistry/028385ep.htm>
2. [http://www.ene.gov.on.ca/envision/env\\_reg/documents/2006/Draft\\_Waste\\_Management\\_Projects\\_Regulation.pdf](http://www.ene.gov.on.ca/envision/env_reg/documents/2006/Draft_Waste_Management_Projects_Regulation.pdf)
3. [http://www.ene.gov.on.ca/envision/env\\_reg/documents/2006/Draft\\_Waste\\_Management\\_Projects\\_Regulation\\_Guide.pdf](http://www.ene.gov.on.ca/envision/env_reg/documents/2006/Draft_Waste_Management_Projects_Regulation_Guide.pdf)

Activities at waste disposal sites which are proposed to have to conduct an individual EA include large-scale projects with potential significant impacts. For example the establishment of a new large landfill site.

#### Screening - Description:

Activities at waste disposal sites which are proposed to be designated under the EAA but may conduct a screening are those with predictable environmental impacts that can be readily mitigated through standard mitigation measures. These include, construction of or modification to thermal degradation sites that convert waste into a useable form of energy (an Energy from Waste (EFW) component), construction of or modifications to small thermal degradation site without an EFW component, and construction or expansion of a mid-sized landfill.

These types of activities at waste disposal sites are proposed to be subject to the Environmental Screening Process which is a proponent driven, self-assessment process. The proponent is responsible for undertaking the Environmental Screening Process by following environmental evaluation requirements set out in the incorporated guide. The requirements include public consultation, project planning and an assessment of the overall environmental advantages and disadvantages of the project. Upon completion of an Environmental Screening Report, the proponent will publish a Notice of Completion. A 60 day review period follows to allow for a review of the proposed project and the environmental screening undertaken, as set out in the proponent's Screening Report.

During that period, a request to elevate the project to an individual EA can be made. Where an elevation request is made during this period, the proponent cannot proceed with the project until a decision is made. If no elevation requests are submitted during the 60-day review period, or if any requests are resolved without elevation of the project to an individual EA, the proponent will have completed the Environmental Screening Process and can proceed subject to any other required approvals.

#### Exemption - Description:

Activities at waste disposal sites which the regulation proposes to exempt are projects demonstrated over the years to have minimal environmental impact. Activities at waste disposal sites to which this applies include activities at certain recycling sites, transfer station sites, and construction of small, new landfills.

For instance, the proposal supports waste diversion by exempting certain waste disposal sites (such as processing sites and transfer stations of a certain size) from EA requirements. This exemption, however, does not impact the requirement for these types of waste disposal sites to obtain an approval under the EPA. This will allow the establishment of these kinds of waste disposal sites to proceed in an efficient and timely manner while providing the same degree of protection for the natural environment as has been achieved historically.

Certain projects which previously have been subject to the process under Regulation 116/01 (the Electricity Projects Regulation) are proposed to be considered under this Waste Regulation.

#### **Purpose of Regulation:**

Proposal to create a regulation with an incorporated guide under the Environmental Assessment Act (EAA) to designate activities of particular types of waste disposal sites in the Province of Ontario as subject to the Act and to provide a streamlined environmental assessment process for certain activities of particular waste disposal sites.

The proposed regulation and incorporated guide will ensure activities relating to certain waste disposal sites will undergo a level of review and assessment that is commensurate with the type, size and potential environmental impacts of the project.

#### **Other Information:**

The proposed regulation and incorporated guide are part of the broader environmental assessment process improvements initiative. Other components of this initiative, such as the proposed Codes of Practice, will provide the public and proponents with information to help them navigate the processes associated with these projects. To view the Codes of Practice notice that was posted on the Registry, please click on the first hyperlink at the end of this notice.

The regulation and incorporated guide must be read together in order to understand the EA requirements for any particular project. Proponents will be required to conduct activities at waste disposal sites in accordance with both documents.

Related amendments to other regulations will be required. This includes, but is not limited to, amendments Ontario Regulation 334 under the EAA and Regulation 206/97 under the EPA.

The ministry is particularly interested in receiving submissions regarding the applicability of Section 30 and 32 of the EPA to waste disposal sites which are proposed to be subject to the Waste Management Projects Regulation.

The proposed regulation and incorporated guide can be obtained by clicking on the second and third hyperlinks at the end of this notice.

#### **Public Consultation:**

This proposal was posted for a 90 day public review and comment period starting December 07, 2006. Comments were to be received by March 07, 2007.

All comments received during the comment period are being considered as part of the decision-making process by the Ministry of the Environment.

Please Note: All comments and submissions received have become part of the public record.

#### **Regulatory Impact Statement:**

A series of ancillary amendments to other Regulations will be required in order to ensure the proposed Waste Regulation can function and does not conflict with existing law. This includes, but is not limited to, technical amendments required to Ontario Regulation 334 and Ontario Regulation 206/97 under the Environmental Protection Act.

As this is a draft regulation, there will be no immediate impacts on any other regulation or legislation.

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