RECOMMENDATION(S)

It is recommended that:

1) The Regional Municipality of Niagara and the City of Hamilton advise the Director of the Environmental Assessment and Approval Branch, that it is the intent of both municipalities to switch to the Environmental Screening Process, in the event that the completion of the "Alternatives to" step in the Niagara-Hamilton WastePlan Environmental Assessment (EA) Study concludes that the preferred disposal system includes a thermal treatment component with the recovery of energy;

2) Copies of this report be forwarded to the Minister of the Environment and the Members of Provincial Parliament representing the City of Hamilton and the Region of Niagara.

PURPOSE

The purpose of this report is to:

- Provide the public works committees and Councils of the Regional Municipality of Niagara and the City of Hamilton with information on the recent provincial regulation for waste undertakings; and,

- Recommend utilizing the new environmental screening process, as allowed for under the new provincial Environmental Assessment Regulation 101/07, without compromising the environmental integrity of the WastePlan process.
BACKGROUND

WastePlan is a joint initiative between the Region of Niagara and the City of Hamilton to find a long-term solution for the disposal of waste in both municipalities. The process has examined a number of landfill and thermal treatment based approaches as potential solutions. To date, a single preferred alternative has not yet been accepted, however a recommendation from the WastePlan group is close to being completed.

The WastePlan process has followed the Environmental Assessment (EA) Act, a provincial statute. The Act sets out a planning and decision-making process to evaluate the potential environmental effects of proposed projects such as waste disposal facilities. The WastePlan process has followed an EA Terms of Reference approved in February 2005, as the majority of options being considered by WastePlan have been subject to an individual environmental assessment.

In March 2007, a new Regulation, Waste Management Projects (O. Reg. 101/07), under the Environmental Assessment Act was enacted. This regulation identifies projects that are:

- Subject to individual environmental assessments (includes landfills greater than 100,000 cubic metres and thermal facilities that do not recover energy);
- Have predictable environmental effects that can be readily mitigated and thus are exempt from individual environmental assessment if they fulfill an Environmental Screening Process (includes thermal facilities with energy recovery);
- Exempt from all EA Requirements (includes processing and transfer facilities where less than 1,000 tonnes per day of material is sent to final disposal).

The Environmental Screening Process for waste management projects is a series of steps that are used to determine the potential environmental effects of a project. The Environmental Screening Process:

- Is similar to the environmental screening process for electricity projects;
- Has been developed by the MOE to ensure that the purpose of the EA Act is maintained;
- Can be undertaken concurrently with applications for other approvals;
- Does not require the evaluation of alternative technologies or sites, however, the choice of technology and site will determine the potential for environmental effects of the waste management project;
- Sets out requirements for assessing the environmental effects of waste management projects, including impact management measures (mitigation measures);
- Sets out the requirements for consultation; and
- Has provisions for agencies and individual persons to review environmental screening reports and opportunities to request that projects be elevated to individual EA.

The Province has given EA study proponents with approved EA ToR (such as the WastePlan group) 60 days from the date of posting of the Regulation (March 23, 2007) to
advise the Director of the Environmental Assessment and Approvals Branch if the proponent wishes to switch to the Environmental Screening Process. This notice must be provided in writing to the Director by May 22, 2007.

REPORT

The WastePlan EA study is nearing the completion of the "Alternatives to" step and the selection of a preferred disposal system. Several of the alternatives under consideration include thermal treatment approaches that recover energy. Other alternatives include mechanical/biological treatment and landfiling of stabilized material and landfill only.

If the outcome of the "Alternatives to" step selects a preferred disposal system with a thermal treatment component, then the next steps for WastePlan could proceed under Environmental Screening. If the preferred alternative is landfill or mechanical biological treatment and landfill, the "Alternative methods" step in the study would have to continue under the full EA Study Terms of Reference.

The potential benefits of proceeding with Environmental Screening if the preferred alternative includes thermal treatment include:

- Focusing the selection of sites and the resources required for site specific studies;
- Undertaking studies required for other approvals (EPA) concurrently with the completion of Environmental Screening, saving time and perhaps some duplication;
- Shorter timeframes for review and approval of the project with associated cost savings. Under Environmental Screening the EA approval process could be complete in as little as 90 days versus one or more years under a full individual EA.

A detailed workplan for site selection and environmental screening would have to be prepared in order to determine the full scope of time and cost savings.

With this in mind, on April 12, 2007 the WastePlan Joint Working Group passed a motion to complete a report and to make the request to both municipalities to notify the Province, emphasizing the flexibility that would be gained of notifying the Province.

It was recognized by the Joint Working Group that providing notification to the Province would provide Niagara and Hamilton with flexibility to proceed with Environmental Screening, in the event that a system with a thermal treatment component was selected by the WastePlan study.

It should be noted that this does not prevent WastePlan from switching back into an individual EA based on the approved WastePlan EA ToR at any time in the future, should Niagara and Hamilton wish to do so. However, if Niagara and Hamilton do not notify the Director by May 22, 2007, then the opportunity offered through the new regulation will be lost.

CONCLUSION

In conclusion, it is appropriate that the flexibility to make future decisions in the environmental study process be maintained. It is recommended that the Councils of the Regional Municipality of Niagara and the City of Hamilton advise the Director of the Environmental Assessment and Approval Branch, that it is the intent of both municipalities to switch to the Environmental Screening Process, in the event that the completion of the "Alternatives to" step in the Niagara-Hamilton WastePlan Environmental
Assessment (EA) Study concludes that the preferred disposal system includes a thermal treatment component with the recovery of energy.

Submitted by:

Commissioner of Public Works
Region of Niagara

Approved by:

Mike Trojan
Chief Administrative Officer
Region of Niagara

Submitted by:

Scott Stewart, C.E.T.
General Manager of Public Works
City of Hamilton

This report was prepared by Adrienne Press, Policy Analyst for the City of Hamilton and was reviewed by Barry Friesen, P.Eng., Director, Waste Management Services Division for the Region of Niagara and Beth Goodger, Director of Waste Management for the City of Hamilton.