Certificate of Approval Program for Waste Disposal Sites

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Presentation Outline:

- Certificates of Approval as Part of the Ministry’s Business
- Legislation & Policy
- Waste Disposal Site Approval Application Process
- Environmental Bill of Rights
- Future of Approvals
- Questions
Certificates of Approval as Part of the Ministry’s Business

- Legislation, regulations, policy, guidelines, codes of practice, etc.
- Environmental Assessment
- Authorizing documents – **Certificates of Approvals (CofAs)**, Permits to Take Water, etc.
- Abatement/Compliance
- Enforcement
Legislation & Policy

• Cs of A are required by legislation for facilities that release emissions to the atmosphere, discharge contaminants to ground and surface water, or provide potable water supplies.

• The requirement to obtain approval from the Ministry is specified in legislation. The underlying goal for requiring an approval is prevention of adverse environmental impacts.

• Cs of A are legally enforceable through Ministry abatement and compliance. Failure to abide by Cs of A can lead to fines, Provincial Officers’ Orders etc.
Legislation & Policy

• Approval decisions are made by a signing Director who has been designated under the appropriate act and has the authority in the individual media areas, water, waste and air.

• Signing Directors are usually supervisors of technical review units

• The only approval made by the Minister is an *Environmental Protection Act* (EPA) s.46 approval (use of lands formerly used for disposal of waste).
Legislation & Policy

- Environmental Protection Act (EPA)
  » Waste, Air and Noise Approvals
  » Renewable energy approvals

- Ontario Water Resources Act (OWRA)
  » Sewage Approvals

- Safe Drinking Water Act (SDWA)
  » Drinking Water Approvals

- Environmental Bill of Rights (EBR)

- Environmental Assessment Act (EAA)
Environmental Protection Act - Waste

EPA - Section 27:

- Approval required to establish, operate, enlarge or extend a site or system to collect, handle, transport, store, process or dispose waste. Cs of A for systems include the facilities, equipment, and operations for management of waste (collection, transportation, storage, disposal). Cs of A for sites include transfer stations, processing or treatment facilities, landfill sites.

- Exemptions include on-site management and recycling.
- Sections 30 and 32 set out hearing requirements

Environmental Compliance Requirements:

Key Regulations
- Ontario Regulation 347- General Waste Management
- Ontario Regulation 232/98 – Landfill Standards

Key Guidelines or Policies
- Reasonable Use Policy (groundwater)
Application and Review Process

Stage 1  Application Preparation
Stage 2  Application Screening
Stage 3  External and Internal Consultation
Stage 4  Technical Review
Stage 5  Directors Decision
Stage 6  Appeal Provisions

Applicant
Application Processor
Signing Director
Technical Reviewer
Signing Director
Applicant
Waste Application Process

Application Screening
- Once an application is received it is screened for completeness to ensure:
  » proper legal documentation has been provided
  » appropriate fees have been provided
  » Public notification letters have been distributed
  » EBR abstract is provided and ready to be posted
  » application includes all technical reports
  » check zoning requirements
Waste Application Process

Letter of Acknowledgement
- A letter is sent to the proponent after screening is complete to acknowledge the application and/or requests additional information or legal documentation

External Consultation
- Application is posted on the EBR for a minimum of 30 days
- Public notification letters are distributed by proponent
- Letter is sent to local municipality to request comments (6 week comment period window)
  » Emphasis for comments on zoning by-laws, traffic and storage
Waste Application Process

Internal consultation
- Application is sent to District Office, Technical Support and internal EAAB staff who may need to comment on application

Assigned to Reviewer
- Technical reviewer reviews application and contacts proponent for any clarification or additional information
- Reviewer ensures all comments received from public or municipality are addressed during the review process
- Reviewer ensures proper Financial Assurance is submitted from private sector proponents
- Once review is complete, reviewer drafts the Certificate of Approval with terms and conditions
Waste Application Process

Terms & Conditions
- Allows for implementation of the Ministry’s Legislation, Regulation, Policies and Guidelines as legal requirements
- Determine compliance with the C of A.
- Performance Requirements (temperatures, effluent criteria, loadings, concentrations).
- Monitoring, Recording & Reporting Requirements
- Operation and Maintenance
- Complaint Response – CLCs

Signing Director’s Decision
- Decision to approve or refuse is the culmination of the review process.
- Applicants must demonstrate that their proposal can meet Environmental Compliance Requirements before approval is granted
EBR - Environmental Bill of Rights

- Public Notification / Invitation for Public Input
- Proposals are posted on the Environmental Registry (ER) for a minimum of 30 days (Class I)
- Exemptions for posting requirements
- ER gives notice of proposal as well as the final outcome
- MOE will consider all comments received on the ER
- Provision for enhanced public participation
- Decision posting for application includes a summary of comments received on the ER and how they were considered
Appeals

Appeal by Applicant
- Appeal of Director’s decision to the Environmental Review Tribunal

3rd Party Appeal
- Public may go to the Environmental Review Tribunal to seek leave to appeal the decision within 15 days from the date of decision placement on EBR (Class I & II only)
- If leave is granted Environmental Review Tribunal will hear the appeal

Appeal of the Environmental Review Tribunal’s decision
- to Divisional Court (on a matter of law)
- to the Minister (on all other matters)
Future of Approvals

Modernization of Approvals to launch September 2011
- No longer CofA’s, now Environmental Compliance Approvals (ECA) and multimedia Approvals
- Electronic and self-registration system for low-risk activities
- All approvals will be issued under the EPA
- Modernization of Approvals to be implemented in phases

Branch Re-alignment coming soon
Thank You

Questions?