

December 7, 2006

IMPROVING THE ENVIRONMENTAL ASSESSMENT PROCESS

The proposed *Waste Management Projects Regulation* classifies waste projects based on the type of waste, the size and, in some cases, the ability to generate energy.

This regulation – along with the codes of practice the environment minister released in late October – will make the environmental assessment process clear, consistent and transparent for municipalities, the private waste industry and the public.

Under the proposed regulation, waste projects will fall under one of three process streams:

1. Projects with minimal environmental effects will not require approval under the *Environmental Assessment Act*. These would include:
 - transfer, handling and composting facilities processing 1,000 tonnes of waste or less per day
 - industrial, commercial or manufacturing facilities using energy from waste in their process if using less than 100 tonnes of waste per day
 - landfills smaller than 40,000 cubic metres
2. Projects that have predictable environmental effects that can be readily mitigated would undergo an environmental screening process. These would include:
 - transfer, handling and composting facilities processing more than 1,000 tonnes of waste per day
 - landfills or landfill expansions with total disposal volume of between 40,000 and 100,000 cubic metres
 - thermal facilities with energy from waste component
 - thermal facilities without an energy-from-waste component if disposing of 10 tonnes of waste or less per day
3. Projects with the potential for significant environmental impacts will require an individual environmental assessment. These would include:
 - final disposal of liquid industrial or hazardous wastes
 - large landfills with a total waste disposal volume of more than 100,000 cubic metres.

Projects that must undergo an environmental screening process can be elevated to an individual environmental assessment, if warranted.

Waste projects remain subject to all other applicable legislation including the *Environmental Protection Act*.

The environmental screening process

The proposed environmental screening is a self-assessment process with 14 mandatory steps requiring a minimum of four consultation periods. A proponent's failure to comply with the requirements outlined in the environmental screening process would be a contravention of the *Environmental Assessment Act*.

Some of the key steps in the screening process require a proponent to:

- Consult on the proposed project, including plans for establishing, constructing, operating, changing, expanding or retiring the project.
- Identify the potential negative or positive environmental impacts on surface and ground water, land, air and noise, the natural environment, resources, heritage, culture and Aboriginal communities, and any socio-economic issues.
- Conduct studies to determine what the impacts will be, and detail what mitigation and/or monitoring measures will be required.
- Following consultation on the studies and identification of mitigation and/or monitoring measures, assess the advantages and disadvantages of the project, and any concerns brought forward by stakeholders. Proponents may determine that additional studies may be needed to address concerns.
- Once the screening process is complete, prepare an environmental screening report and make the report accessible to stakeholders (agencies, public, Aboriginals, interest groups and others) for a 60-day comment period. If there are no comments from stakeholders, the proponent can proceed with a statement of completion. At this point, the project may proceed subject to any other required approvals.

Ministry monitoring

The Ministry of the Environment will monitor for compliance with the environmental screening process, and for commitments to mitigation made in the proponent's report.

Transition Provisions

If a project was previously subject to an individual environmental assessment, and the proponent had submitted its EA or a terms of reference (the work plan for the EA), the proponent can switch to the environmental screening process instead of completing the review as an individual EA, but only within 60 days of the regulation becoming law.

Public invited to comment

The draft waste regulation and draft guide have been posted to the Environmental Bill of Rights Registry at www.ene.gov.on.ca/envregistry/028964er.htm. The public is encouraged to comment on the proposal by March 7, 2007.

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