

THE REQUIREMENTS OF THE ENVIRONMENTAL BILL OF RIGHTS FOR PRESCRIBED INSTRUMENTS

GUIDE FOR APPLICANTS

for

EPA s.9
EPA s.27
EPA s.46
OWRA s.34
and
OWRA s.53
Applications

November 1994



Ministry of
the Environment

The Environmental
Bill of Rights
Office

TABLE OF CONTENTS

Page:

FOREWORD	iv
INTRODUCTION	vi
1.0 THE IMPACT OF EBR ON THE APPROVALS PROCESS	1
1.1 The Type of Proposals that are Subject to the EBR	1
1.2 The EBR Requirements for Proposals for Instruments	1
1.3 The Public's New Rights	2
1.4 The Environmental Registry	3
2.0 PUBLIC PARTICIPATION REQUIREMENTS UNDER THE EBR ...	4
2.1 Classifications of Prescribed Instruments	4
2.2 Minimum Notification Requirements	5
2.3 Reclassification of Proposals	5
2.4 Enhanced Public Participation	6
2.5 Factors to Consider for Enhanced Public Participation	6
2.6 Additional Notice for Class II Proposals	7
2.7 Additional Time for Public Comments on Class II Proposals ...	8
2.8 Enhanced Public Participation for Class II Proposals	8
3.0 EXCEPTIONS TO THE PUBLIC PARTICIPATION REQUIREMENTS	10
3.1 Exceptions to the Public Participation Requirements	10
3.1.1 Emergency Situations	11
3.1.2 Equivalent Public Participation has Already Taken Place	12
3.1.3 EBR Requirements for 3.1.1 and 3.1.2	12
3.1.4 Proposals for Instruments to Implement an Environmental Assessment Act or Public Tribunal Decision	13
3.1.5 Environmentally Insignificant Amendments or Revocations of Instruments	13
4.0 NOTIFICATION REQUIREMENTS UNDER THE EBR	16
4.1 Registry Proposal Notices	18
4.2 General Rules for the Abstracts	20

TABLE OF CONTENTS (Continued)

	<u>Page:</u>
4.3 Proposals Granted Exceptions from the EBR Public Participation Requirements	20
4.4 Registry Decision File	21
5.0 PUBLIC QUERIES AND COMMENTS ON A PROPOSAL	22
5.1 Queries and Requests for Additional Information	23
5.2 Requests for Further Information/Freedom of Information and Protection of Privacy Act, (FOIPOP)	23
5.3 Consideration of Public Comments	24
5.4 Clarification/Verification of a Comment	24
6.0 APPEALS	25
6.1 New Appeal Rights Under the EBR	25
6.2 The Types of Decisions that are Subject to Leave to Appeal ..	25
6.3 Who Can Seek Leave to Appeal a Decision	28
6.4 How to Seek Leave to Appeal	28
6.5 Grounds for Granting Leave to Appeal	30
6.6 Instrument Holder (Applicant) Appeals	30
6.7 EBR Requirements for Appeal Decisions	31
6.8 Information to be Placed on the Environmental Registry	31

APPENDICES

- A** PRESCRIBED INSTRUMENTS
- B** NOTICES ON THE ENVIRONMENTAL REGISTRY
- C** INFORMATION TO BE INCLUDED IN THE ABSTRACTS OF THE
REGISTRY PROPOSAL FILES - RPF's (NOTICE PLACED ON THE
REGISTRY)

FOREWORD

While every effort has been made to ensure the accuracy of the information contained in this guide, it should not be construed as legal advice. If applicants have any questions regarding the legal aspects of the EBR, they should consult with their legal counsel.

This guide was prepared to assist the applicants in interpreting the general requirements of the Environmental Bill of Rights, 1993, (EBR) and is subject to change without further notice.

This guide will be of interest to applicants for classified approvals. However, it also applies when the Ministry of the Environment initiates amendments to existing classified instruments.

This guide can be used when applying for EPA s.9, EPA s.27, EPA s.46, OWRA s.34 and OWRA s.53 (1) approvals, and contains:

- the requirements of the EBR for proposals for prescribed instruments; and
- guidance on how the requirements of the EBR can be met by both the applicant and the MOE.

The guide is comprised as follows:

Sections 1 to 6: general information on the EBR requirements for proposals for prescribed instruments

Appendix A: a list of the prescribed instruments

Appendix B: notices that will be put in the Environmental Registry

Appendix C: guidelines for preparing the "abstract" or description of proposals for prescribed instruments (only EPA s.9, s.27, s.46 and OWRA s.34 and 53(1))

Appendix D: glossary of terms

All applications for prescribed instruments that are received by the MOE starting on November 15, 1994 will be subject to the EBR public participation requirements. Applications received prior to this date or that are already under consideration by the MOE, will be processed in the normal non-EBR manner.

Further general information on the EBR can be obtained by contacting the following:

Environmental Commissioner
of Ontario
1075 Bay Street, Suite 605
6th Floor
Toronto, Ontario M5S 2W5
Tel. (416) 325-3377
Fax (416) 325-3370

Public Information Centre
Ministry of the Environment
135 St. Clair Ave. W
1st Floor
Toronto, Ontario M4V 1P5
Tel. (416) 323-4321
Toll Free:
1-800-565-4923

For information on the EBR requirements for applications, please contact:

Environmental Assessment & Approvals Branch
Ministry of the Environment
Floor 12A
2 St. Clair Avenue West
Toronto, Ontario M4V 1L5
Tel. (416) 314-8001 or (Toll Free) 1-800-461-6290
Fax (416) 314-7231

INTRODUCTION

The most recent legislation to impact on the approvals process is An Act Respecting Environmental Rights in Ontario, or the Environmental Bill of Rights, (EBR). The EBR was proclaimed in February 1994 and it allows the residents of Ontario to participate in government decisions that have a significant effect on the environment.

The Ministry of the Environment (MOE), issues a large number of instruments (permits, licences, approvals, directions and orders) each year. Many of these instruments are prescribed under the EBR. The EBR requirements for proposals for instruments become effective on November 15, 1994. The EBR changes the existing processes for obtaining approvals by allowing for public participation in the decision making.

This guide addresses instruments prescribed for Part II of the EBR - Public Participation in Government Decision-Making. The prescribed instruments are listed in a regulation entitled "MOE's Classification of Instruments". The instruments are classified as Class I, II or III, depending on the required level of public participation.

Notice of proposals for prescribed instruments will be placed on the Environmental Registry (ER) for a minimum of 30 days. The ER is a computerized bulletin board which enables residents of Ontario to gain access to information when proposals for prescribed instruments are under consideration. Access to the information on the ER is available through a number of networks, directly via modem and selected public libraries. The phone numbers to connect to the ER are: local 416 area code: EBR - 3000, long distance: 1-800-667-9979.

During the time that the notice of the proposal is on the ER, the public will be able to submit comments on the proposal to the issuing office. In addition, the public will be able to view parts of the application submission at the issuing office as well as at the MOE District Office in the vicinity of the proposal.

The comments that are submitted by the public will be considered in the decision-making. Notice of the final decision and the effects of the comments on the final decision will also be placed on the ER when a decision has been rendered on the proposal.

Once the final decision is put on the ER, the EBR provides rights for third parties to apply for leave to appeal or permission to appeal decisions on Class I and II instruments, where such appeal rights already exist for the instrument holders. The individual seeking leave to appeal must demonstrate that the decision was made without regard to the relevant law and policies and that significant environmental damage could occur as a result of the decision which was made. The Environmental Review Tribunal has the responsibility to review and decide whether to grant leave to appeal. In addition, notice of appeals on Class I and Class II instruments will also be put on the ER and the public may be able to participate in the appeal hearings.

Public participation is already included in the approvals process for some instruments applications. However, the EBR standardizes the public participation requirements for all prescribed instruments while allowing for enhanced public participation for more environmentally significant applications.

1

1.0 THE IMPACT OF EBR ON THE APPROVALS PROCESS

1.1 The Type of Proposals that are Subject to the EBR

An "instrument" refers to a licence, permit, approval, order or other document of legal effect issued under an Act but does not include a regulation.

A list of the proposals for instruments that are subject to the EBR are listed in Appendix "A". These instruments are listed in O. Reg. 681/94, titled "Classifications of Proposals for Instruments".

1.2 The EBR Requirements for Proposals for Instruments

Under the EBR, for proposals for prescribed instruments the Ministry and the applicants will have the following responsibilities:

MINISTRY

- gives notice on the Environmental Registry (ER) of proposals that are under consideration, updates on proposals and the final outcome of proposals
- considers all comments received in the review of the proposal
- may enhance the minimum public participation for each proposal
- responds to queries and requests for additional information from the public. At times, the applicants may be consulted or requested to respond to the queries and requests for copies of applications.

APPLICANT

- may conduct voluntary public consultation/notification prior to submitting the application to address public concerns/interests upfront
- provides the information that goes on the Environmental Registry (in the application form)
- indicates on the application form which of the information that is submitted with the application is proprietary
- ensures a copy of the application submission is sent to the MOE district office in the area of the proposal
- participates in public consultation/notification for certain applications, as required
- gives notice to the Environmental Commissioner when appealing certain decisions subject to the EBR
- third parties may initiate applications to the Environmental Review Tribunal, to appeal decisions on instruments for which notice of the proposal had been placed on the Registry.

1.3 The Public's New Rights

Under Part II of the EBR, the public will have the following new rights when the MOE is considering a proposal for a prescribed instrument:

- may submit comments on proposals for prescribed instruments that may impact on the final decision or the terms and conditions of the approval
- may view parts of application submissions at the issuing office as well as the local district office in the vicinity of the proposal
- for decisions on Class I and II instruments, the EBR allows residents of Ontario to seek leave to appeal the decisions

1.4 The Environmental Registry

The EBR requires the establishment of an Environmental Registry, (ER). This is a computerized bulletin board which enables residents of Ontario to gain access to information when specific ministries in the government are making environmentally significant decisions. For proposals subject to the EBR, the ER will be used to provide the public the following information: initial notices, updates, final decisions and appeal information.

The ER is part of the government-wide Bulletin Board Service being operated by Management Board Secretariat. Users will be able to gain access to information on the ER through a number of networks and directly via modem. The public will be able to gain access to the ER through: home, office and select library computers; the Government of Ontario Network; the Ontario-based InterNet system; the Free-net and the WEB technical network.

Detailed information on the ER is available in a document entitled "Guide to Access and Use of the Environmental Registry". Copies of this document can be obtained from the Public Information Centre, at the address given in the "Foreword" section.

2

2.0 PUBLIC PARTICIPATION REQUIREMENTS UNDER THE EBR

Not all instruments are issued as a result of an application being submitted by an applicant. Orders are issued at the MOE's initiative. Existing instruments may also be amended by the MOE without an application being submitted by the applicant. Regardless of whether a proposal for a prescribed instrument is under consideration as a result of the MOE's or an applicant's actions, the EBR requirements apply.

The minimum public participation for prescribed instruments is notification to the Environmental Registry, ER, of the proposal allowing the public 30 days to comment on the proposal.

The EBR has provisions to enhance the minimum public participation (the 30 day comment period), and these will be explained later in this section. (Other laws may prescribe additional notice requirements.)

2.1 Classifications of Prescribed Instruments

The notification requirements for an instrument are based on the classification of the instrument and the requirements under the EBR, the environmental significance of the proposal and the public concern and interest in the proposal. The proposals for instruments prescribed under the EBR are classified as Class I, Class II or Class III.

- The classifications are used to establish the minimum notice requirements to the public of a proposal.
- For a listing of the classifications of prescribed instruments, see Appendix "A".

2.2 Minimum Notification Requirements

The following are the minimum notification requirements for each class of instruments:

Class I	minimum 30 days notice on the ER
Class II	minimum 30 days notice on the ER plus additional public notice (see Section 2.6)
Class III	minimum 30 days notice on the ER plus a public hearing

2.3 Reclassification of Proposals

Under section 26 of the EBR, the Minister, or delegate, may treat a Class I proposal as a Class II proposal, if it is advisable to do so for the purpose of protecting the environment. As an example, if it is decided that a public meeting is to be held for a Class I instrument, then that proposal would be considered as a Class II proposal.

If a decision is made to hold a hearing for a Class II proposal, then the proposal shall be regarded as a Class III proposal.

If a decision is made not to hold a hearing for a Class III proposal, it is treated as a Class II proposal. The significant difference in the treatment by the EBR of Class II and Class III proposals, is that decisions on Class III proposals do not give rise to the possibility of a third party application for leave to appeal. Third parties will have already had a right to participate in the public hearing for Class III proposals.

2.4 Enhanced Public Participation

The Minister, or delegate, may decide to enhance the public participation by means of the provisions provided in subsections 23(1) and 24(1) of the EBR. This section allows the Minister to provide any additional rights of public participation that the Minister considers would facilitate more informed public participation. If the Minister decides to enhance public participation (e.g., an open house, public meeting, committee hearings, etc.) then notice of the enhanced public participation must be put on the ER. This is done by the MOE.

If the MOE decides to enhance the public participation, the applicant will be advised.

2.5 Factors to Consider for Enhanced Public Participation

The Minister, or delegate, may consider factors such as environmental significance, complexity of the matter, public interest, and time the public requires to make informed comments in making the decision to enhance public participation.

As an example, a particular proposal may have generated significant interest or concern from the public, even before notice is given on the ER or prior to the submission of the application. The Minister may decide to extend the minimum 30-day notice to a longer notice period to allow for more time for public comments.

If an applicant is aware of public interest/concern in a particular proposal, the applicant is encouraged to conduct public notification/consultation prior to the submission of the application. The public concerns can then be addressed upfront and the proposal modified, as required, prior to submission. By addressing public concerns upfront, the impact on the turnaround times may also be minimized.

Once notice is given on the ER, the public may indicate that they have a number of concerns about the proposal. This may lead to the MOE deciding to enhance the public participation. As an example, it may be decided to hold a public information meeting. The notice on the ER would be amended by the MOE to provide the information on the time and location of the public meeting and indicating that the proposal is now a Class II proposal.

The applicant may be required to participate in public information meetings and other enhanced public participation.

2.6 Additional Notice for Class II Proposals

The EBR requires that additional notice must be provided for Class II proposals.

Additional notice for Class II proposals must include at least one of the following [subsection 28(1), EBR]:

- *news release*
- *notice through news media*
- *door to door flyers*
- *signs*
- *mailings to the public*
- *notice to community leaders and political representatives*
- *notice to community organizations*
- *notice on the ER (additional to the minimum 30 days)*
- *any other means of notice that would facilitate more informed public participation in decision making on the proposal*

The existing procedures for some Class II proposals already include some public notice and this additional requirement may already be met. As an example, the applicants notify the adjacent property owners when applying for EPA s.27 approvals. The applicants should contact the MOE office that will process the application to discuss the type, if any, of additional public notice that may be required for Class II proposals.

2.7 Additional Time for Public Comments on Class II Proposals

In order to permit more informed public participation, the Minister, or delegate, may allow for more than 30 days for public comment on a proposal [subsection 23(1), EBR].

In order to determine how much more time ought to be allowed, the Minister shall consider the following factors [subsection 8(6), EBR]:

- (1) *The complexity of the matters on which comments are invited*
- (2) *The level of public interest in the matters in which comments are invited*
- (3) *The period of time the public may require to make informed comments*
- (4) *Any private or public interest, including any government interest, in resolving the matters on which comments are invited in a timely manner*
- (5) *Any other factors that the Minister considers relevant*

If the Minister decides to provide additional time for public comment, the extended period would be indicated on the notice that goes on the ER and the applicant will be advised.

2.8 Enhanced Public Participation for Class II Proposals

Under subsection 24(1) of the EBR, in order to allow for more enhanced public participation in decision making, the Minister, or delegate, may provide one or more of the following:

- (1) *Opportunities for oral representation by members of the public to the Minister or a person or body designated by the Minister.*
- (2) *Public meetings.*
- (3) *Mediation among persons with different views on issues arising out of the proposal.*
- (4) *Any other process that would facilitate more informed public participation in the decision-making on the proposal.*

Again, if it is decided to enhance the public participation, notice would be given to the public on the ER and the applicants advised.

The public participation for Class I, Class II or Class III proposals can be enhanced by the means discussed in sections 2.6, 2.7 and 2.8.

3

3.0 EXCEPTIONS TO THE PUBLIC PARTICIPATION REQUIREMENTS

Although a proposal may be for a prescribed instrument, as listed in Appendix "A", the EBR allows for exceptions to the public participation requirements that were described in the last section.

If an applicant believes that the proposal applied for should be given an exception from the EBR requirements, then information to substantiate or verify the exception must be submitted with the application. The type of information that is to be included is summarized in Table 2 at the end of this section and is also listed in the guides to completing the application forms.

The Minister or delegate will review the information submitted and decide if the exception is to be granted.

3.1 Exceptions to the Public Participation Requirements

There are four types of exceptions from the public participation requirements of the EBR, and they are as follows:

1. Emergency situations
2. Equivalent public participation has already taken place
3. Proposals for instruments to implement an Environmental Assessment Act or Public Tribunal Decision
4. Environmentally insignificant amendments or revocations

3.1.1 **Emergency Situations**

The EBR recognizes that there may be occasions that preclude the public participation requirements for instruments because an instrument is required as a result of an emergency situation.

Subsection 29(1), EBR provides that (not a direct quote):

The requirement for public notice of proposals for instruments does not apply where, in the Minister's opinion, the delay involved in giving notice to the public, in allowing time for public response to the notice or in considering the response to the notice would result in,

- (a) danger to the health or safety of any person;*
- (b) harm or serious risk of harm to the environment; or*
- (c) injury or damage or serious risk of injury or damage to any property.*

Any of the prescribed instruments in Appendix "A" could be issued in emergency situations. Certain types of proposals because of their special nature are issued only under emergency situations and these are identified in Appendix "A" - example - EPA s.31 approvals.

In deciding whether or not to grant an exception to the public participation requirements, the Minister or delegate will review the information submitted by the applicant and ensure that the following criteria are met.

- (1) The delay involved in public participation would result in the emergency situation as defined under the EBR, and
- (2) An instrument will be issued to minimize the effects resulting from the emergency situation

3.1.2 Equivalent Public Participation has Already Taken Place

Under subsection 30(1) of the EBR, if the environmentally significant aspects of a proposal have already been considered in a process of public participation that was substantially equivalent to the requirements under the EBR, then, the public participation requirement under the EBR can be omitted.

In order for the exception to be granted, the Director will review the supporting information to ensure that the following criteria are met:

- (1) the public notice was province-wide
- (2) the public had an opportunity to comment
- (3) the comments were considered in the proposal

3.1.3 EBR Requirements for 3.1.1 and 3.1.2

The EBR requirements for emergency instruments or instruments where equivalent public participation has already been completed, are as follows, for the MOE issuing office:

As soon as possible after the exception is granted and the MOE has decided that an approval will be issued, or has been issued, notice is put on the ER to advise that an approval will be/has been issued and the public will not have an opportunity to comment.

3.1.4 Proposals for Instruments to Implement an Environmental Assessment Act or Public Tribunal Decision

Section 32 of the EBR exempts from the notification requirements proposals for instruments that are a step towards implementing:

- (a) *a decision made by a tribunal under an Act after affording an opportunity for public participation; or*
- (b) *a decision made under the Environmental Assessment Act (includes individual EA, Class EA or exemption)*

If the exception is granted, based on the information the applicant has provided, these types of proposals are processed in the normal non-EBR manner and notice is not given on the ER.

3.1.5 Environmentally Insignificant Amendments or Revocations of Instruments

Subsection 22(3) of the EBR, states that:

Despite subsection (1), the Minister need not give notice of a proposal to amend or revoke an instrument if the Minister considers that the potential effect of the amendment or revocation on the environment is insignificant.

The type of proposals that could fall under this exception could include:

- (a) amendments to correct typing, name or ownership changes

- (b) minor revisions where there will not be any impact on the environment [e.g., altering frequency of reporting (not monitoring) conditions]
- (c) Requests for revocations of approvals where a process, system or equipment will no longer be used. However, if the revocation is for control equipment and the process will continue to operate, then there will usually be a significant environmental effect and notice on the ER would be required.

If the exception is granted, based on the information the applicant has provided, these types of proposals are processed in the normal non-EBR manner and notice is not given on the ER.

TABLE 1: Information to Provided When Applying for an Exception to the EBR Public Participation Requirements

<p>TYPE OF EXCEPTION</p>	<p>INFORMATION/DOCUMENTATION TO BE PROVIDED WITH THE APPLICATION SUBMISSION</p>
<p>Emergency situations</p>	<p>Information that demonstrates/explains that the delay involved in public participation would result in an emergency situation as defined in subsection 29(1) of the EBR.</p>
<p>Equivalent public participation has already taken place</p>	<p>Details of the completed public participation including: the notices given, the type of public participation, areas/locations where the public participation was conducted, verification of the public participation, how it was conducted, number of people that participated, the type of public comments received, actions taken as a result of the public comments and whether or not this Ministry's staff were involved.</p>
<p>Proposals for instruments as a result of an Environmental Assessment or Tribunal Decision</p>	<p>A copy of the EAA or tribunal decision and documentation that the proposal was considered in the decision-making and where it was not an MOE tribunal, information about the public participation opportunity provided by the Tribunal.</p>
<p>Environmentally insignificant amendments or revocations</p>	<p>An explanation of the proposal that demonstrates that there will be no significant impact on the environment.</p>

4

4.0 NOTIFICATION REQUIREMENTS UNDER THE EBR

The EBR requires that notice be given to the public, on the Environmental Registry (ER), for the following:

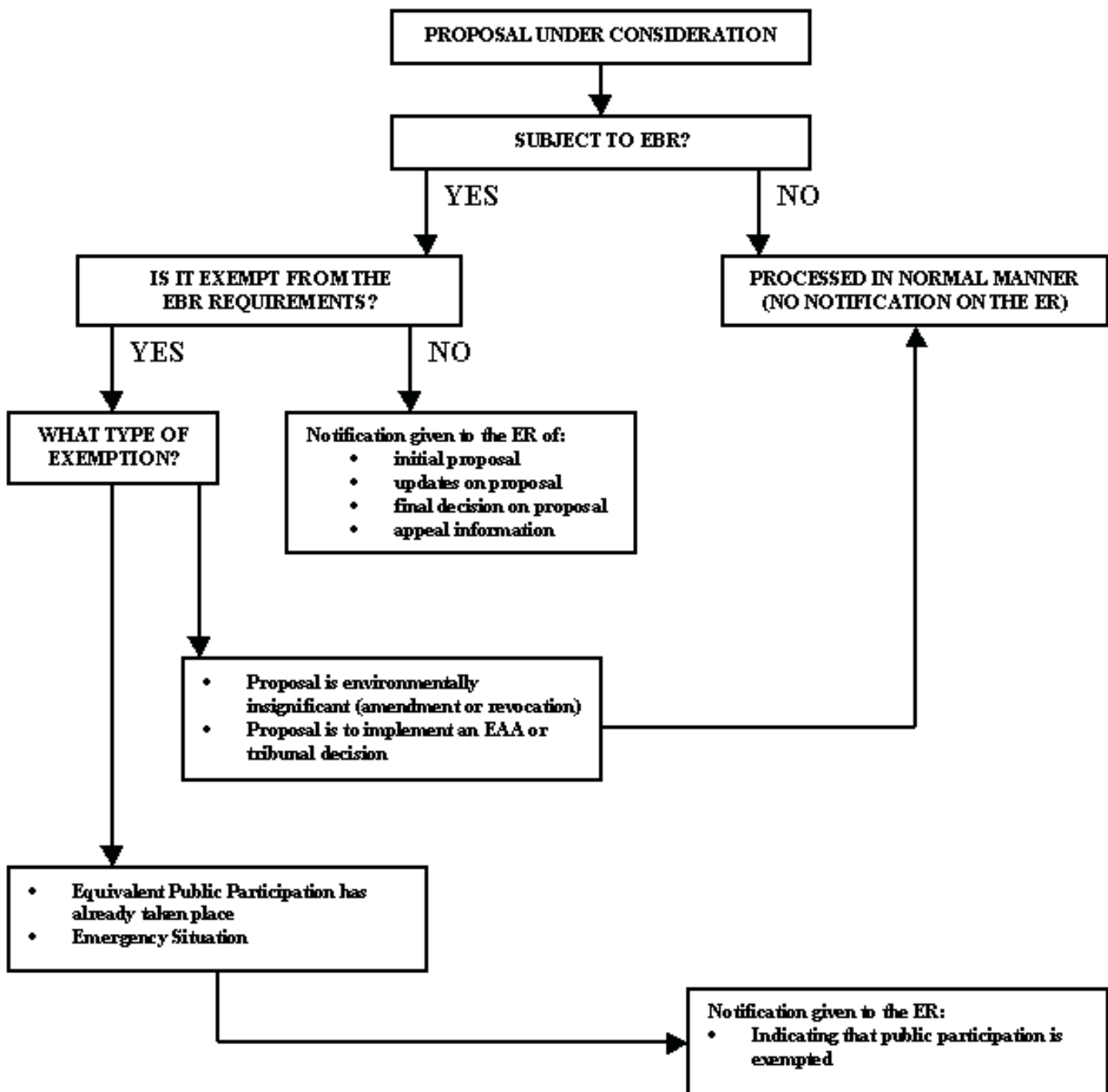
- (1) proposals for prescribed instruments
- (2) exceptions to the public participation for prescribed instruments
- (3) decisions on proposals for prescribed instruments
- (4) appeal information

Actual examples of notices can be viewed by accessing the ER, after November 15, 1994.

Copies of the blank notices are in Appendix B for the purposes of showing the type of information that is put in the notices.

The flow chart in the next page summarizes the type of notification that the MOE must put on the ER depending on the type of proposal.

ENVIRONMENTAL REGISTRY NOTIFICATION REQUIREMENTS - GENERAL GUIDE



4.1 Registry Proposal Notices

The notice referred to as the Registry Proposal File, RPF, is placed to the ER when the MOE is considering a proposal subject to the EBR.

Most of the information that is placed on the ER is taken from the application form.

The applicants should ensure that a complete application is submitted and that the abstract is prepared in accordance with the guidelines in Appendix "C". The guidelines are also available in the guide for completing the application forms.

If an RPF contains incorrect information and is submitted to the ER, it may be necessary to send a corrected RPF and restart the thirty day comment period.

Section 27 of the EBR details how to give notice of proposals and the types of information that should be included in the notice.

- (1) Subsection 27(1) of the EBR states that notice of the proposal shall be given to the ER and by any other means the Minister giving the notice considers appropriate.
- (2) Under subsections 27(2) and 27(3) of the EBR, the notice should include:

Subsection 27(2), EBR

1. A brief description of the proposal.
2. A statement of the manner by which and time within which members of the public may participate in decision-making on the proposal.
3. A statement of where and when members of the public may review written information about the proposal.
 - 3.1 An address to which members of the public may direct,
 - i) written comments on the proposal, and
 - ii) written questions about the rights of members of the public to participate in decision-making on the proposal.
4. Any information prescribed by the regulations under the EBR.
5. Any other information that the minister giving the notice considers appropriate.

Subsection 27(3), EBR

The statement which tells the public how they may participate should include:

1. The right to submit written comments in the manner and within the time specified in the notice.
2. Any additional rights of public participation provided under section 24.
3. Any additional rights of public participation prescribed by the regulations under the EBR.
4. Any additional rights of public participation that the minister giving the notice considers appropriate.

4.2 General Rules for the Abstracts

Most of the information that is required for the Registry Proposal File is straightforward with the exception of the "abstract" or the description of the proposal. The abstract that the MOE will use in the notice will be taken from the application form, under the section entitled "Project/Application Description" or other appropriate section of the submission that describes what is being applied for. If the abstract provided by the applicant does not accurately describe the proposal, the MOE will modify the abstract to accurately describe what is being applied for, before the notice is put on the ER.

Appendix C contains guidelines for preparing the abstracts and examples of abstracts for each type of prescribed instrument. The following are some general guidelines for preparing the abstracts:

1. The abstract should be under 100 words, if possible.
2. Simple, easy to understand terms and words should be used.
3. If possible, the use of technical jargon should be avoided, as it may not be understood by all of the ER users.
4. The specific details of a proposal are not required. The main or basic components, processes or items should be listed.

To avoid delays in the processing of the application, applicants should provide an accurate, concise and easy to understand description of the proposal.

4.3 Proposals Granted Exceptions from the EBR Public Participation Requirements

The notice referred to as the Registry Exception File is submitted to the ER when the MOE will be approving or has approved a proposal subject to the EBR, but an exception to the public participation requirements has been granted.

This notice is submitted to the ER as soon as reasonably possible after the decision not to allow for public participation is made and it has been decided that an approval will be issued.

NOTE: There are four possible exceptions to the EBR public participation:

- (1) equivalent public participation has already been completed
- (2) there is an emergency situation
- (3) the proposal is to implement an EAA or public tribunal decision
- (4) the proposal is for an environmentally insignificant amendment or revocation

Only for (1) and (2) above is the exception notice put on the ER. Proposals granted an exception as a result of (3) or (4) are processed in the normal non-EBR manner and there are no notice requirements on the ER.

4.4 Registry Decision File

Once all of the comments have been considered, the comment period has ended and a decision has been made on a proposal, the issuing office prepares a Registry Decision File for notice on the ER.

The decision notice contains information including the number of comments received, the impact of the comments on the final decision and what the final decision was. The notice is appended to the original proposal notice that is already on the ER.

The final decision on an application can be one of the following:

- approval was granted
- approval was refused
- approval was revoked
- the application was cancelled*
- the Applicant withdrew the application*

* If the application is withdrawn or cancelled, the notice of the final decision can be put on the ER before the comment period has ended.

5

5.0 PUBLIC QUERIES AND COMMENTS ON A PROPOSAL

Once the proposal notice, Registry Proposal File (RPF), for an application is put on the Environmental Registry (ER), the public will have an opportunity to send in comments on the proposal as well as to view parts of the application submission.

For exceptions to the public participation requirements, the Registry Exception File, REF, is submitted to the ER to notify the public that an approval will be/has been issued. In this case, the public does not have an opportunity to submit comments in advance of the decision on the proposal.

The EBR provides for the submission of comments to the issuing office on proposals that are listed on the ER during the comment period indicated in the RPF.

The EBR also provides for the viewing of proposals that are listed on the ER during the comment period noted on the RPF.

Copies of applications for proposals listed on the ER will be available for public viewing at:

1. The office processing the application.
2. The District Office in the area of the proposal.

The applicant must ensure that a copy of the application submission is sent to the District Office in the area where the proposal is to be implemented, for public viewing.

5.1 Queries and Requests for Additional Information

In the event that questions/requests are received, the MOE will attempt to provide a response in a timely manner.

The applicants may be contacted for assistance in providing responses to the public queries and requests for further information, including additional copies of the application submission.

5.2 Requests for Further Information/Freedom of Information and Protection of Privacy Act, (FOIPOP)

The application forms have been designed so that the information contained in the form itself is available for public viewing. However, the supporting information that the applicant provides is identified and referenced in a table on the form. The applicant indicates on this table which of the supporting information is proprietary and cannot be released for public viewing.

If a member of the public requests to view the information that is listed as proprietary, the request will be processed in the same manner as any other FOIPOP request.

If there are any questions regarding FOIPOP, the MOE FOIPOP Coordinator should be contacted for further information and clarification:

Freedom of Information and Privacy Protection Office
9th Floor
40 St. Clair Avenue West
Toronto, Ontario

Tel.: (416) 314-4075
Fax.: (416) 314-4285

5.3 Consideration of Public Comments

Each individual comment that is received by the issuing office will be reviewed and considered in the assessment of the application.

It is expected that some comments will not be relevant to the proposal and that the MOE will have to use discretion in deciding whether or not certain comments should be considered in the decision making.

Section 35 of the EBR states that:

- "(1) A minister who gives notice of proposal under section 15, 16 or 22 shall take every reasonable step to ensure that all comments relevant to the proposal that are received as part of the public participation process described in the notice of the proposal are considered when decisions about the proposal are made in the ministry.*
- (2) For the purposes of subsection (1), a comment on the legislative or regulatory framework within which the decision whether or not to implement a proposal for an instrument is to be made is not a comment relevant to the proposal for the instrument."*

5.4 Clarification/Verification of a Comment

At times, it may be necessary to obtain verification/clarification of a comment from other Ministry staff/offices or the applicant.

In order to minimize any impacts on the processing time for the application, the applicants are encouraged to provide a speedy response to any requests for clarification, verification of public comments, or submissions of additional information.

6

6.0 APPEALS

The EBR enhances the appeal rights for certain Class I and II instruments by:

- (1) Allowing residents of Ontario to seek leave to appeal these decisions.
- (2) Requiring that notice of appeals (initiated by either the Instrument Holder or Residents of Ontario) be put on the Environmental Registry, (ER).

6.1 New Appeal Rights Under the EBR

The EBR allows for residents of Ontario to appeal the decisions on certain types of proposals. That right is not automatically granted. Instead, residents of Ontario must first "seek leave to appeal the decision" from the appellate tribunal. The appellate tribunal for MOE instruments is the Environmental Review Tribunal.

If the leave to appeal is granted, the appeal is conducted in accordance with the current procedures of the Environmental Review Tribunal. Because notice of the appeal is placed on the ER, additional members of the public may be able to participate in the appeal process.

6.2 The Types of Decisions that are Subject to Leave to Appeal

The EBR allows residents of Ontario to seek leave to appeal Class I and Class II instruments if:

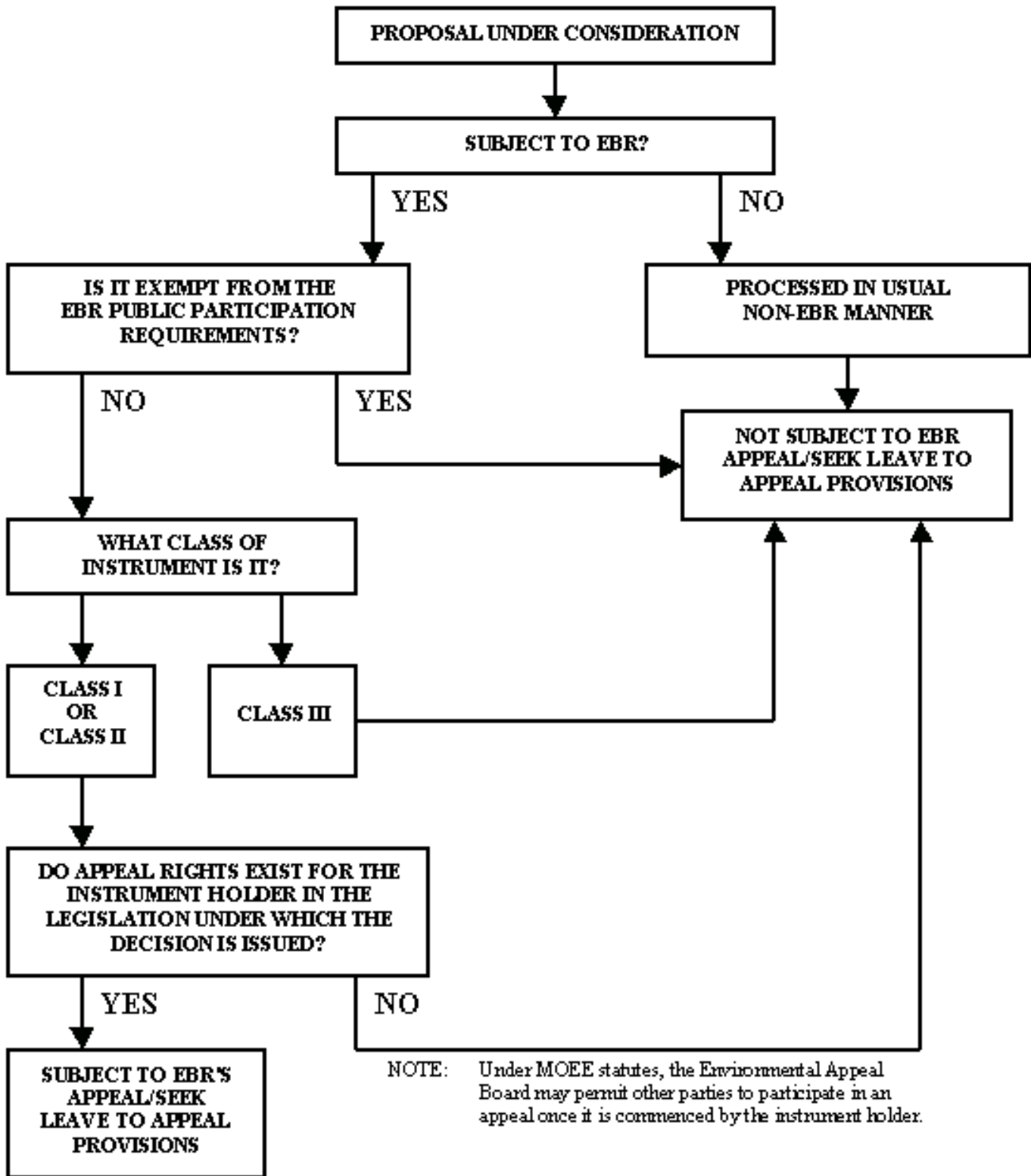
- (a) the proposal for the instrument was subject to public participation under Part II of the EBR and

- (b) appeal rights for the instrument holder already exist in the legislation that the decision is issued under.

All decisions for proposals for prescribed instruments that were granted an exception from the public participation requirements (there was no notice given on the ER allowing for a minimum 30 day comment period) are not subject to the EBR's appeal provisions.

The flow chart on the next page illustrates the types of decisions that are subject to the EBR appeal/seek leave to appeal provisions.

GUIDE FOR EBR'S APPEAL/SEEK LEAVE TO APPEAL PROVISIONS



6.3 Who Can Seek Leave to Appeal a Decision

Residents of Ontario may seek leave to appeal a decision if the following two conditions have been met (EBR, s. 38):

- (1) The person seeking leave to appeal has an interest in the decision; and
- (2) Another person has a right under another Act to appeal from a decision whether or not to implement the proposal

The Environmental Review Tribunal decides whether or not the person(s) seeking leave to appeal will be given leave to appeal.

6.4 How to Seek Leave to Appeal

The notice of the final decision on a proposal will indicate whether or not residents of Ontario may seek leave to appeal the decision, the parties to whom the notice shall be sent to and the type of information that is to be provided. These instructions are as follows:

Any resident of Ontario may seek leave to appeal this decision, by serving written Notice, within 15 days of the Decision Notification Date noted above. The Notice must be served upon the following:

1. Environmental Commissioner:

Environmental Commissioner of Ontario
1075 Bay Street, Suite 605, 6th Floor
Toronto, Ontario M5G 2W5

2. Issuing Director:

3. Applicant:

4. Appellate Body:

Environmental Review Tribunal
P.O. Box 2382
2300 Yonge St. Suite 1201
Toronto, Ontario M4V 1N3

The Notice must be signed and dated and include all of the following information:

1. The EBR Registry Number, the Ministry Instrument Reference, the name and location of the Applicant to whom the instrument was issued. (All available on the Registry)
2. A copy of any comments that were submitted on the original proposal, if comments were not submitted, an explanation of your interest in seeking leave to appeal the decision is required.
3. A description of the grounds for the application for leave to appeal including information that demonstrates that:
 - (a) there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind, could have made the decision; and
 - (b) the decision in respect of which an appeal is sought could result in significant harm to the environment
4. The portions of the instrument or each term or condition in the instrument in respect of which the leave to appeal is applied for.
5. The grounds on which you intend to rely at the hearing, in the event

6.5

Grounds for Granting Leave to Appeal

The leave to appeal will be granted if (EBR, s.41):

- (a) there is a good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind, could have made the decision; and
- (b) the decision in respect of which an appeal is sought could result in significant harm to the environment.

The Environmental Review Tribunal (ERT) may make the decision on the leave to appeal based on the information provided by the appellant or the ERT may allow the Instrument Holder (Applicant), the Appellant and the MOE to provide submissions and make its decision based on these submissions.

By regulation, the ERT is required to make a decision within 30 days of the ERT receiving the notice of the leave to appeal. However, the regulation does allow extensions to the 30-day period.

6.6

Instrument Holder (Applicant) Appeals

If the Instrument Holder appeals a decision that is subject to the EBR appeal provisions, then:

- (a) The Instrument Holder must give notice of appeal to the Environmental Commissioner;
- (b) Notice of the appeal will be put on the ER; and
- (c) The public may be able to participate in the appeal process.

Instructions on how to appeal decisions subject to the EBR will be provided on the approval issued to the Instrument Holder. The public will have to contact the ERT if they wish to participate in the appeal.

If the MOE and the Instrument Holder are negotiating the appeal, the public who has advised the ERT that they wish to participate in the appeal may be given the opportunity to participate in the discussions.

If the appeal cannot be resolved through negotiations between the involved parties (public, instrument holder and the MOE), appeal hearings will have to be conducted and the ERT will make the decision.

6.7 EBR Requirements for Appeal Decisions

If the instrument is to be amended or revoked as a result of a hearing, notice does not have to be put on the ER. However, if as a result of the negotiations between the MOE, the applicant and possibly the public, the instrument is to be amended or revoked, and if that amendment or revocation is not excepted from the public participation requirements (e.g., it is not environmentally insignificant), notice will be placed on the ER.

6.8 Information to be Placed on the Environmental Registry

There are three types of files that are used to notify the public of appeal matters:

(a) Application for Leave to Appeal an Instrument

This is the notice that is given on the Registry when a resident of Ontario is seeking leave to appeal a decision. The date of the application, the appellate body, the applicant's name, grounds for the appeal and the decision on the leave to appeal will be provided.

(b) Appeals of Instruments

If a resident of Ontario has been granted or given leave to appeal a decision or if the instrument holder appeals a decision, notice on the ER will include the application date, appellate body, applicant's name, grounds for the appeal, date and location of the hearing and a contact name for additional information.

(c) Decision on Appeals

Once the appeal is completed, this file is used to advise the public of the outcome of the appeal.

Copies of these notices are in Appendix "B".

The notices regarding leave to appeal appeals are appended to the proposal decision file that is already on the ER.

APPENDIX A

PRESCRIBED INSTRUMENTS

**CLASSIFICATION OF PROPOSALS FOR INSTRUMENTS
(FROM O.REG. 681/94)**

SECTION	PROPOSALS FOR INSTRUMENT	CLASS
Environmental Protection Act		
section 7	All proposals for an order to control contaminant discharge (e.g., an order to control discharge of waste leaking from drum located on property)	2
section 8(1)	All proposals for a director's stop order to avoid or control damage to the environment. (Emergency situations)	2
section 9	<p>All proposals except for the following:</p> <ul style="list-style-type: none"> i. proposals that would, if implemented, permit the discharge of a contaminant from any one discharge point, to occur for a total of less than ten hours in any seven day period, ii. proposals that would, if implemented, permit the discharge of contaminants, resulting from the preparation of food at a site for the purpose of retailing the food at the site or distributing it at the site free of charge, iii. proposals that would, if implemented, permit the discharge of contaminants, resulting from operating combustion equipment, where the equipment is not fired with fuel derived from waste, other than wood waste, and is not operated for the purpose of generating heat or electricity for sale, iv. proposals that would if implemented permit the discharge of contaminants from a storage tank or vessel v. proposals that would, if implemented, <ul style="list-style-type: none"> (a) permit the discharge of a contaminant from a discharge point, where the discharge point is already approved under section 9 of the <u>Environmental Protection Act</u>; and (b) the discharge of any contaminant from the discharge point in (a), above, is less than or equal to that already approved under section 9 of the <u>Environmental Protection Act</u>. 	1
section 10	All proposals for approval of a program to prevent, reduce, or control discharge (e.g., approval of a program to reduce air emissions)	2
section 17	All proposals for an order to prevent or repair the damage or provide alternate water supplies (e.g., an order to provide bottled water to affected residences)	2
section 18	All proposals for an order for preventative measures to reduce the risk or adverse effects from a discharge (e.g., an order to do further stack testing)	2

SECTION	PROPOSALS FOR INSTRUMENT	CLASS
section 27	<p>All proposals for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, except for the following:</p> <ul style="list-style-type: none"> i. an application for which a hearing is required (these are Class III proposals); ii. proposals for an approval for an organic soil conditioning site; iii. proposals for an approval for the use, operation, establishment and alteration of a waste disposal site for the receipt and shipping of waste for a period of time not exceeding 12 consecutive days; iv. proposals for an approval of a mobile processing site; and v. proposals under section 31 of the EPA for emergency situations 	2
	All proposals for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site for which a hearing will be held.	3
section 31	All proposals for emergency certificates of approval for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site. (Emergency situation)	2
section 43	All proposals for an order to remove waste and restore the site (e.g., an order to remove stockpiled hazardous industrial waste)	2
section 44	All proposals for an order to take action to bring a waste management system or a waste disposal site into conformity with the Act (e.g., an order to store waste in accordance with Act)	2
section 46	All proposals for approval to use a former waste disposal site for a different use (e.g., an order to approve a site and its use for a golf club)	1
section 94	All minister's orders for directions to employees and agents of the ministry to restore the environment after a spill. (Emergency situation)	2
section 97	All minister's orders regarding spills to prevent adverse effects. (Emergency situations)	2
section 130 (2)	All proposals for an order to revoke a stop order. (Emergency situations)	2
section 136	All proposals for an order for performance of environmental measures and possibly use of financial assurance for completing those measures (e.g., an order to use financial assurance to decommission a waste disposal site)	2
Regulation 346, section 4	All proposals for minister's orders regarding the air pollution index. (Emergency situation)	2
Regulation 350	All proposals for Director's orders regarding the Lambton Industry Meteorological Alert. (Emergency situation)	2

SECTION	PROPOSALS FOR INSTRUMENT	CLASS
Ontario Water Resources Act		
section 31	All proposals for an order prohibiting or regulating discharge of sewage into water (e.g., an order to cease all waste water discharges into the environment)	2
section 32	All proposals for an order for preventative measures for facilities discharging into water (e.g., an order to install storm water treatment)	2
section 34	<p>All proposals for a permit to take more than 50,000 l/day of water (e.g., permit for the irrigation of a golf course) except for the following:</p> <ul style="list-style-type: none"> i. water takings for irrigating agricultural crops; and ii. water takings for a period of less than one year 	1
section 34(7)	All proposals for a notice to regulate water diversion (e.g., a notice to a company to stop work that is resulting in dry wells)	2
section 52(3)	All proposals for an order or direction for unapproved water works that may ask for an investigation of the works and direct changes to be made (e.g., an order to install further treatment on the unapproved water works)	2
section 52(6)	All proposals for direction to maintain water works (e.g., direction to rehabilitate existing works)	2
section 53(1)	<p>All proposals that would set limits for the discharge of specific contaminants from a discharge point unless:</p> <ul style="list-style-type: none"> i. there is already an approval under subsection 53(1) relating to that discharge point; and ii. the proposal approval will not permit an increase in the discharge of any of the specific contaminants from the discharge point. 	2
	All proposal for the establishment of sewage works in or into another municipality and all other proposals requiring a hearing.	3
section 53(3)	All proposals for an order for unapproved sewage works which may ask for an investigation of the works and direct changes to be made (e.g., an order to install further treatment on the unapproved water works)	2
section 61	All proposals for a direction to maintain sewage works (e.g., direction to rehabilitate existing waste water treatment system)	2
section 62(2)	All proposals for a direction to municipalities on a report respecting sewage works or water works (e.g., a direction to a municipality to implement a report to establish a water works)	2
section 74(2)	All proposals for an order designating public water or sewage service area (e.g., an order designating an area of public water service where several municipalities cannot agree as to how this area should be serviced)	3
section 91	All proposals for a direction for sewage disposal (e.g., a direction to a commercial enterprise to make arrangements for the treatment and disposal of its sewage)	2

SECTION	PROPOSALS FOR INSTRUMENT	CLASS
section 92	All proposals for an order to stop or regulate discharge of sewage into sewage works which may interfere with the proper operation of the works (e.g., an order to improve operation of waste water treatment by requiring that a substance which is being added to the treatment be handled in another manner)	2
Regulation 903, section 21(5)	All proposals for a direction to abandon a well	2
Pesticides Act		
section 13(7)	All proposals for director's emergency orders/notices. (Emergency situation)	2
section 27	All proposals for director's or provincial officer's order for stopping the use of pesticides. (Emergency situation)	2
section 28	All proposals for an order controlling the handling, storage, use, disposal (etc.) of pesticides (e.g., an order to be issued to a vendor to display pesticides on higher shelving)	2
section 30(1)	All proposals for minister's orders to prevent or repair damage. (Emergency situation)	2
Regulation 914	All proposals for an interim status pesticide where the active ingredient has not been previously regulated	1

APPENDIX B

NOTICES ON THE ENVIRONMENTAL REGISTRY

NOTICES ON THE ENVIRONMENTAL REGISTRY

The MOE prepares all notices and ensures that they are placed on the Environmental Registry. This section is to provide the Proponents with an understanding of the type of information that will be available to the public accessing the Environmental Registry.

The notices regarding instruments that are put on the Environmental Registry include:

<u>NOTICE</u>	<u>PAGE #:</u>
Registry Proposal File (RPF)	B-2
Registry Exception File (REF)	B-3
Registry Decision File (RDF)	B-4
Leave to Appeal an Instrument File	B-6
Appeal of Instrument File	B-7
Decision on Appeal File	B-8

REGISTRY PROPOSAL FILE (RPF)

This is the notice that is put on the Environmental Registry when proposals for an instrument are under consideration.

PROPOSALS FOR INSTRUMENTS

- (1) EBR Registry Number:
- (2) Ministry:
- (3) Type:
- (4) Instrument:
- (5) Ministry Instrument Reference:
- (6) Status:
- (7) Proposal Notification Date:
- (8) Proponent:
- (9) Proponent Location:
- (10) Location of Activity (City/Town/Municipality)
- (11) County/District/Region:
- (12) Other activity location identifiers:
- (13) Description:
- (14) Other pertinent information:
- (15) Comment Period:
- (16) Contact:

All comments will be considered as part of the decision-making by the Ministry if they:

- (a) are submitted in writing;
- (b) reference both the EBR Registry Number and the Ministry Instrument Reference; and
- (c) are received by the Contact person within the specified comment period

No acknowledgement or individual response will be provided to those who comment.

REGISTRY EXCEPTION FILE (REF)

This is the notice that is put on the Environmental Registry when a proposal for a prescribed instrument has been excepted from the public participation requirements of the EBR (the public is not given a minimum of 30 days to comment on the proposal) and the ministry has decided that an approval will be or has been issued.

- (1) EBR Registry Number:
- (2) Ministry:
- (3) Type:
- (4) Instrument:
- (5) Ministry Instrument reference:
- (6) Status:
- (7) Proposal Notification Date:
- (8) Proponent:
- (9) Proponent Location:
- (10) Location of Activity (City/Town/Municipality):
- (11) County/District/Region:
- (12) Other Activity Location Identifiers:
- (13) Description:
- (14) Other Pertinent Information:
- (15) Comment Period:
- (16) Decision Date:
- (17) Proposal Decision:
- (18) Contact:

The EBR recognizes that there may be occasions that preclude the public participation requirements as a result of an emergency situation (s.29, EBR) or when the environmentally significant aspects of the proposal have been considered in a process of public participation that was equivalent to the EBR [s. 30(1), EBR].

REGISTRY DECISION FILE (RDF)

This is the notice that is put on the Environmental Registry when a decision has been rendered on a proposal. This notice also provides instruction to residents of Ontario on how to seek leave to appeal decisions that are subject to the EBR's leave to appeal provisions.

EBR File Number:

Ministry Instrument Reference:

Decision Notification Date:

Proposal Decision:

Number of Comments Received:

Effect(s) on Decision:

May a resident of Ontario seek leave to appeal this decision (s.38, EBR).

Contact:

****** Only comments which were relevant to the proposal were considered in this decision.******

The EBR stipulates that the Ministry must take every reasonable step to ensure that all comments relevant to the proposal received as part of the public participation process are considered in this decision (s.35, EBR).

NOTE: This section is added if residents of Ontario can seek leave to appeal.

Any resident of Ontario may seek leave to appeal this decision, by serving written Notice, within 15 days of the Decision Notification Date noted above. The Notice must be served upon the following:

1. Environmental Commissioner:

Ontario
Environmental Commissioner of
1075 Bay Street, Suite 605, 6th Floor
Toronto, Ontario M5G 2W5

2. Issuing Director:

3. Proponent:

4. Appellate Body:

Environmental Review Tribunal
P.O. Box 2382
2300 Yonge St. Suite 1201
Toronto, Ontario M4V 1N3

The Notice must be signed and dated and include all of the following information:

1. The EBR Registry Number, the Ministry Instrument Reference, the name and location of the Proponent to whom the instrument was issued. (All available on the Registry)
2. A copy of any comments that were submitted on the original proposal, if comments were not submitted, an explanation of your interest in seeking leave to appeal the decision is required.
3. A description of the grounds for the application for leave to appeal including information that demonstrates that:
 - (a) there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind, could have made the decision; and
 - (b) the decision in respect of which an appeal is sought could result in significant harm to the environment.
4. The portions of the instrument or each term or condition in the instrument in respect of which the leave to appeal is applied for.
5. The grounds on which you intend to rely at the hearing, in the event that the leave to appeal is granted, in relation to each portion that you are seeking leave to appeal.

LEAVE TO APPEAL AN INSTRUMENT FILE

This is the notice that is put on the Environmental Registry when a resident of Ontario has applied for leave to appeal an instrument. Once a decision has been made on the leave to appeal, notice of that decision is placed on this notice.

1. Application Date:
2. Appellate Body:
3. Name of Applicant:
4. Grounds for Appeal:
5. Decision:

There is no appeal from a decision whether or not to grant an application for leave to appeal. (S. 43, EBR)

APPEAL OF INSTRUMENT FILE

This is the notice that is placed on the Environmental Registry when an Instrument Holder is appealing a decision subject to the EBR appeal provisions or when a resident of Ontario has been granted leave to appeal a decision.

1. Application Date:
2. Appellate Body:
3. Appeal Initiated By:
4. Grounds for Appeal:
5. Date of Hearing:
6. Location of Hearing:
7. Contact:

The "Contact" should be contacted for additional information on the appeal and any rights to participate in the hearing process.

DECISION ON APPEAL FILE

This is the notice that is placed on the Environmental Registry at the conclusion of an appeal.

1. Date of Appeal Decision:
2. Appeal Decision:
3. Other Relevant Factors:

APPENDIX C

INFORMATION TO BE INCLUDED
IN THE ABSTRACTS OF THE
REGISTRY PROPOSAL FILES - RPF's
(NOTICE PLACED ON THE REGISTRY)

INFORMATION TO BE INCLUDED IN THE ABSTRACTS OF THE PROPOSALS

This appendix contains guidelines to be used when preparing descriptions or abstracts of proposals on the application forms. Guidelines as well as examples are given for the following:

<u>INSTRUMENT</u>	<u>PAGE #:</u>
EPA, s.9	C-2 and C-3
EPA, s.27	C-4 to C-7
EPA, s.46	C-8
OWRA, s.34	C-9 and C-10
OWRA, s.53	C-11 to C-13

The description or abstract of the proposal forms a part of the notice the MOE puts in the ER to advise the public that a proposal is under consideration.

**EPA, S.9
INFORMATION TO BE INCLUDED IN THE
ABSTRACTS OF THE RPFs**

EPA, S.9 approvals can cover a broad range of plants, structures, equipment, apparatus, mechanisms or things. For this reason it is very difficult to provide specific details on the type of information that should be provided in the abstracts. The following general guidelines should be used in preparing the abstracts:

(1) A summary of what is applied for:

- including a listing of all of the major equipment/process/modifications
- an indication of what the pollution control equipment is and what equipment/process the pollution control equipment is controlling the emission from

(2) The reason why (1) is applied for.

(3) An indication of what (equipment/process/modifications) will be discharged to the atmosphere.

The abstract should be less than 100 words.

EXAMPLES:

1. Application for a ventilation system for a welding process.

The application is for a Certificate of Approval for the following:

One exhaust fan, discharging to the atmosphere, to ventilate a welding fume control system for six source collection points and one robotic welder.

- 2. Application for five portable, low temperature thermal desorption units for the decontamination of contaminated soil.**

The application is for a Certificate of Approval for the following:

Five portable units, each consisting of a kiln, and pollution control equipment including two cyclones and a thermal oxidizer to control the emissions discharged to the atmosphere from each kiln, to be used in the decontamination of petroleum hydrocarbon contaminated soil.

- 3. Application for 1 boiler, 13 unit heaters and 3 exhaust fans for 3 kilns.**

NOTE: The boiler and unit heaters are exempt from the notification requirements as natural gas will be used and the units will not be used for production and sale of heat or electricity.

The application is for a Certificate of Approval for the following:

Three exhaust fans, discharging to the atmosphere, to provide ventilation for three kilns, one exhaust fan per kiln, during the curing of concrete blocks with steam.

- 4. Application for a paint spray booth.**

The application is for a Certificate of Approval for the following:

One paint spray booth with dry type filters, discharging to the atmosphere, to control the emissions from the painting of cars.

EPA, S.27

EXAMPLES OF ABSTRACTS

I. TRANSFER SITES

The information that should be provided in the abstract includes:

- (1) Type of facility/site.
- (2) Scale of facility including:
 - transfer capacity
 - storage capacity
 - total area in hectares
- (3) Type of material to be accepted.
- (4) Service area or source of material.

The abstract should be less than 100 words.

EXAMPLES:

1. The application is for a Certificate of Approval for the following:

The use and operation of a waste disposal site with a total area of 13.5 hectares, to be used for the transfer of the following waste categories: non-hazardous solid industrial, commercial and institutional waste including only incidental food waste, at a maximum rate of 200 tonnes per day and at a maximum total storage of 500 tonnes at any one time, to serve the Province of Ontario.

II. PROCESS SITES

The information that should be provided in the abstract includes:

- (1) Type of facility/site.
- (2) Scale of facility including:
 - total area in hectares
 - processing capacity
 - storage capacity
- (3) Type of material to be accepted.
- (4) Service area or source of material.
- (5) Type of process(es) to be used.

The abstract should be less than 100 words.

EXAMPLES:

1. The application is for a Certificate of Approval for the following:

The use and operation of a waste disposal site with a total area of ____ hectares within a total site area of ____ hectares, to be used for the processing of non-hazardous solid waste up to 100 tonnes per day. The total amount of waste and processed materials stored at the site will not exceed 300 tonnes at any time. Processes to be used include grinding and shredding. The waste disposal site is to serve the town of _____.

III. PERMANENT SITES - LANDFILLS, STUMP DUMPS

The information that should be provided in the abstract includes:

- (1) Type of facility/site.
- (2) Scale of facility including:
 - receiving capacity per day
 - fill area in hectares
 - total area in hectares
 - final volumetric capacity of the site
- (3) Type of material to be accepted.
- (4) Service area or source of material.
- (5) Life expectancy of the site.

The abstract should be less than 100 words.

EXAMPLES:

1. The application is for a Certificate of Approval for the following:

The use and operation of a ____ hectare waste disposal site within a total area of ____ hectares and a receiving capacity of ____ cubic metres per day, for the landfilling of the following categories of waste: stumps, tree trunks, brush, and construction and demolition materials limited to bricks, mortar, cements and non-reinforced concrete. The site will have a final volumetric capacity of ____ cubic metres and an anticipated life expectancy of 10 years to serve the Province of Ontario.

2. The application is for a Certificate of Approval for the following:

The use and operation of an 18 hectare landfilling site within a total site area of 65 hectares and a receiving capacity of ____ cubic metres per day, for the disposal of domestic, commercial and non-hazardous solid industrial waste. The waste will be received at a rate which will not exceed 180 cubic metres per day and 64,000 cubic metres per year. The site will have a final volumetric capacity of ____ cubic metres and an anticipated life expectancy of five years to serve the town of _____.

IV. A COMBINATION OF THE ABOVE TYPES OF WASTE DISPOSAL SITES

In this case, the information that is required for each type of site, as per the examples above, is to be provided in the abstract.

EXAMPLES:

The application is for a Certificate of Approval for the following:

The use and operation of a waste disposal site with a total area of 13.5 hectares, to be used for the following:

- (a) processing, transfer and temporary storage of non-hazardous solid industrial, commercial and institutional waste limited to wood, cardboard, metal and other similar building materials, using shredding and crushing processes, at a total maximum rate of 100 tonnes per day and with a maximum total storage of 35,000 tonnes, and
- (b) transfer of non-hazardous solid industrial, commercial and institutional waste including only incidental food waste, at a maximum rate of 200 tonnes per day and at a maximum total storage of 500 tonnes at any one time,

to serve the Province of Ontario.

EPA, S.46

INFORMATION TO BE INCLUDED IN THE ABSTRACTS

The information that should be included in the abstracts includes:

- (1) A description of what the land is to be used for.
- (2) If in the "Other Location Identifiers" section of the RDF, the location of the land that is being proposed for a particular use is not definitely identified, then in the abstract the location must be clearly noted.

The abstract should be less than 100 words.

EXAMPLES:

1. The application is for the approval of the following:

The use of the above-noted land for the development of a business park, including office space, landscaping and utilities corridor within the road right-of-way.

2. The application is for the approval of the following:

The use of 3 acres of land located on the north west corner of John Street Road and Third Concession Road for public park land.

OWRA, S.34

INFORMATION TO BE INCLUDED IN THE ABSTRACTS

The type of information that should be included in the abstract is as follows:

- (1) Source of water (ground water or surface water plus the name of the waterbody).
- (2) Location of taking.
- (3) Purpose of the water taking (industrial process cooling water, irrigation of golf course).
- (4) Period of the water taking.
- (5) Quantity (maximum requested).

The abstract should be less than 100 words.

EXAMPLES:

1. The application is for a permit for the following:

SOURCE OF WATER: one well

LOCATION OF TAKING: lot 15, in Bruce Energy Centre, Township of Bruce, Ontario

PURPOSE OF TAKING: to provide process cooling water

PERIOD OF WATER TAKING: for 30 years from the date of approval

AMOUNT OF WATER TO BE TAKEN FROM SOURCE (MAXIMUM): 400 litres per minute, 24 hours per day, 365 days per year

2. The application is for a permit for the following:

SOURCE OF WATER: one well

LOCATION OF TAKING: Lots 1 and 2, Concession II, township of Oxford-on-Rideau, Ontario

PURPOSE OF TAKING: public water supply

PERIOD OF WATER TAKING: 10 years from date of approval

AMOUNT OF WATER TO BE TAKEN FROM SOURCE (MAXIMUM): 78 litres per minute, 24 hours per day, 365 days per year

**OWRA, S.53 (1) - MUNICIPAL AND PRIVATE
WHAT SHOULD BE INCLUDED IN THE ABSTRACT**

The information that should be included in the abstracts consists of the following:

- (1) What is being applied for including:
 - all pollution control equipment
 - all major components, processes or equipment
- (2) Why the proposal is required.
- (3) An identification of what is discharging.
- (4) Where the effluent is being discharged to.

The abstract should be less than 100 words.

EXAMPLES:

1. Applications for works crossing municipal boundaries:

The application is for a Certificate of Approval for the following:

Sanitary sewers and appurtenances to be constructed in the Village of _____ by extending the sewage works from the Village of _____.

2. Applications for storm water management systems:

The application is for a Certificate of Approval for the following:

Storm sewers, storm water management and treatments work consisting of oversize storm sewers to provide subsurface detention storage, a gravel filter and screen and perforated storm sewer and appurtenances to service _____, in the City of _____, discharging to _____.

(Assumption: The approval limits the discharge of contaminants.)

The application is for a Certificate of Approval for the following:

Modifications to existing stormwater management facilities, as approved under Certificate of Approval No. _____. The modifications include an increase in the in the storage volume of the storm detention ponds discharging to _____ Creek, two concrete structures for the operation and housing of the ultra violet disinfection facilities and three monitoring stations on the existing inflow sewers to the ponds, and all necessary appurtenances.

(Assumption: There is an increase in the contaminant discharge from that previously approved, and the approval limits the discharge of contaminants.)

OWRA, S.53(1) - INDUSTRIAL

WHAT SHOULD BE INCLUDED IN THE ABSTRACT

The information that should be included in the abstracts consists of the following:

- (1) What is being applied for including:
 - all pollution control equipment
 - all major components, processes or equipment
- (2) Why the proposal is required.
- (3) An identification of what is discharging.
- (4) Where the effluent is being discharged to.

The abstract should be less than 100 words.

EXAMPLES:

1. The application is for a Certificate of Approval for the following:

One wastewater treatment system consisting of one gravity-type oil/water separator and two granular activated carbon filter columns to decontaminate groundwater contaminated as a result of fuel storage tanks leaks, discharging to Dead Horse Creek.

(Assumption: The approval limits the discharge of contaminants.)

2. The application is for a Certificate of Approval for the following:

One wastewater treatment system consisting of one extended aeration tank, one circular secondary clarifier, one continuously backwashed dual media sand filter, one baffled chlorine contact chamber including a chlorine gas storage room and chlorinator, one aerobic sludge digester, to serve the poultry processing plant, and discharging to Cigar Lake.

(Assumption: The approval limits the discharge of contaminants.)