

# Certificate of Approval Program for Waste Disposal Sites

Presented by:  
Tesfaye Gebrezghi, P.Eng.  
Supervisor (Part V Director), Waste Approvals  
Environmental Assessment and Approvals Branch  
Ministry of the Environment

1

*Protecting our environment.*



Ontario

# 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, ect.
- Environmental Assessment
- Authorizing documents – **Certificates of Approvals (CofAs)**, Permits to Take Water, ect.
- 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

<b>Stage 1</b>	<b>Application Preparation</b>	<b>Applicant</b>
<b>Stage 2</b>	<b>Application Screening</b>	<b>Application Processor</b>
<b>Stage 3</b>	<b>External and Internal Consultation</b>	<b>Signing Director</b>
<b>Stage 4</b>	<b>Technical Review</b>	<b>Technical Reviewer</b>
<b>Stage 5</b>	<b>Directors Decision</b>	<b>Signing Director</b>
<b>Stage 6</b>	<b>Appeal Provisions</b>	<b>Applicant</b>



# 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

11

# 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

12

# 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

13

# 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

15

**Thank You**

**Questions?**

*Protecting our environment.*



**Ontario**