

# **Guide to Environmental Assessment Requirements for Waste Management Projects**

**Legislative Authority:**

*Environmental Assessment Act, R.S.O. 1990, Ontario Regulation 101/07*

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## GLOSSARY

The Waste Management Projects Regulation (Ontario Regulation 101/07) contains definitions of relevant terms. The following are additional definitions of terms and explanations of short forms used in this Guide.

### **Aboriginal Peoples**

The *Constitution Act, 1982* specifies that Aboriginal peoples include First Nations, Inuit and Métis peoples of Canada. For the purposes of this guide, “Aboriginal peoples”, “Aboriginal communities”, and “Indigenous communities” are terms which are used interchangeably.

### **Branch**

Environmental Assessment Branch, Ministry of the Environment, Conservation and Parks.

### **Class Environmental Assessment**

A document that sets out a standardized planning process for those classes or group of activities for which the proponent is responsible. A class environmental assessment is approved under the *Environmental Assessment Act* and applies to projects that are carried out routinely and have predictable environmental effects that can be readily mitigated. Projects defined within a class environmental assessment are pre-approved, conditional upon being planned according to the document and not being elevated to a higher level of study. All class environmental assessments have a mechanism where the Minister may order that an individual environmental assessment be carried out for a particular project, if warranted (Section 16 Order).

### **Director**

Director of the Environmental Assessment Branch, Ministry of the Environment, Conservation and Parks.

### **Elevation**

During the mandatory review period for reports prepared under the Environmental Screening Process, interested persons, Indigenous communities or government agencies with outstanding environmental concerns may make a written request to the Minister to elevate a project to an individual environmental assessment.

### **Environment**

The *Environmental Assessment Act* defines environment to mean:

- (a) Air, land or water;
- (b) Plant and animal life, including human life;

- (c) The social, economic and cultural conditions that influence the life of humans or a community;
- (d) Any building, structure, machine or other device or thing made by humans;
- (e) Any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from human activities; or,
- (f) Any part or combination of the foregoing and the interrelationships between any two or more of them.

### **Environmental Assessment (EA)**

Environmental assessment is a study that assesses the potential negative and positive environmental effects of a proposal. Key components of an environmental assessment include consultation with government agencies, Indigenous communities and the public; consideration and evaluation of alternatives; and the mitigation and management of potential negative environmental effects. Conducting an environmental assessment promotes good environmental planning before decisions are made about proceeding with a proposal.

### **Environmental Assessment Act (EAA)**

The *Environmental Assessment Act* (and amendments and regulations thereto) is a provincial statute that sets out a planning and decision-making process to evaluate the potential environmental effects of a proposed undertaking. Proponents wishing to proceed with an undertaking must document their planning and decision-making process and submit the results from their environmental assessment to the Minister when seeking to obtain approval to proceed with an undertaking.

### **Environmental Screening Processes**

The Environmental Screening Process is comprised of the steps outlined in Part B of this Guide. Projects designated in Part III of the Waste Management Projects Regulation can proceed subject to completing the Environmental Screening Process.

### **Individual Environmental Assessment**

A term used to describe an environmental assessment prepared and submitted when seeking approval under Part II of the *Environmental Assessment Act*.

### **Mediation**

A dispute resolution process in which a neutral third party (mediator) who is acceptable to all participants assists disputants in reaching a mutually acceptable agreement. The mediator has no authority to impose a settlement and participation in the process is voluntary.

### **Minister**

Minister of the Environment, Conservation and Parks.

**Ministry**

Ministry of the Environment, Conservation and Parks.

**Negative Environmental Effects**

Negative environmental effects are the negative effects that a project has, or could potentially have, directly or indirectly on the environment at any stage in the project life cycle. Negative environmental effects may include, but are not limited to, the harmful alteration, disruption, destruction, or loss of natural features, flora or fauna and their habitat, ecological functions, natural resources, air or water quality, and cultural or heritage resources. Negative environmental effects may also include the displacement, impairment, conflict or interference with existing land uses, businesses or economic enterprises, recreational uses or activities, cultural pursuits, social conditions or the local economy.

**Net Effects**

Negative environmental effects of a project and related activities that will remain after mitigation and impact management measures have been applied.

**Proponent**

A person that carries out or proposes to carry out the undertaking or is the owner or person having charge, management or control of an undertaking.

**Regional Coordinator**

Environmental Resource Planner and EA coordinator located in the Environmental Assessment Branch of the Ministry of the Environment, Conservation and Parks.





## INTRODUCTION

The environmental assessment requirements under the *Environmental Assessment Act* provide for the protection, conservation, and wise management of Ontario's environment by ensuring that the environmental effects of new waste management projects and/or changes to waste management projects are reviewed in a manner that is consistent with the potential significance of those projects.

This Guide to the requirements consists of two parts:

- Part A of the Guide is intended to help proponents of waste management projects, consultants, interested persons and Indigenous communities understand the environmental assessment requirements for waste management projects which are set out in Regulation 101/07 (referred to throughout this Guide as the “Waste Management Projects Regulation”), made under the *Environmental Assessment Act*. It also provides some overview information about the Environmental Screening Process which is found in the Part B of this Guide.
- Part B of the Guide consists of the Environmental Screening Process for waste management projects. As set out in the Waste Management Projects Regulation, certain waste management projects are designated as subject to the requirements of the *Environmental Assessment Act*, but are exempt from Part II of the Act on the condition that they fulfill the requirements of Part B of the Guide. The Environmental Screening Process contained in Part B of this Guide is incorporated by reference into the Waste Management Projects Regulation. Proponents relying on the screening exemption outlined in the Waste Management Projects Regulation are required to meet the requirements of the Environmental Screening Process before proceeding with their project.

Guide users should check the Ministry of the Environment, Conservation and Parks website or contact the Environmental Assessment Branch to find out if there have been any revisions to this Guide.

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Website: <https://www.ontario.ca/page/environmental-assessments> Any suggestions for revision or clarification are welcomed and should be sent to the Director of the Environmental Assessment Branch at the address listed above.

Ce document n'est disponible qu'en anglais.

# Part A: Overview of Environmental Assessment Requirements for Waste Management Projects

## A.1 Purpose of the Guide

The purpose of this Guide is to help proponents of waste management projects, consultants, interested persons and Indigenous communities understand the requirements as set out in the Waste Management Projects Regulation, made under the *Environmental Assessment Act*. Specifically, the Guide is designed to assist proponents in determining what environmental assessment requirements (if any) apply to a particular waste project, and to set out information about the Environmental Screening Process, which applies to specific waste management projects.

The information in Part A provides guidance on the application of the regulation. Part B of the Guide sets out the requirements of the Environmental Screening Process referred to in the regulation. If there is any conflict between Part A and the Regulation and Part B of the Guide, the provisions of the Regulation and Part B govern.

Users of this Guide should note that information on the regulatory requirements of the Waste Management Projects Regulation have been included here for convenience only. Waste management projects described in Part III of the Waste Management Projects Regulation are subject to the Environmental Screening Process. Part B of the Guide, which includes Schedules I and II, sets out the Environmental Screening Process, and is incorporated by reference into the Regulation. Official copies of the *Environmental Assessment Act*, the Waste Management Projects Regulation and other Acts and Regulations may be obtained from Publications Ontario at:

Publications Ontario  
222 Jarvis Street, 8<sup>th</sup> floor  
Toronto, ON M7A 0B6  
Telephone: (416) 326-5300  
Toll free: 1-800-668-9938  
Fax: (416) 326-5317  
Website: [www.publications.gov.on.ca](http://www.publications.gov.on.ca)

Electronic version of Acts and Regulations are available on the e-laws website <https://www.ontario.ca/laws>. An electronic version of this Guide is also available on the Ministry's Environmental Assessment website (<https://www.ontario.ca/page/guide-environmental-assessment-requirements-waste-management-projects>).

## A.2 WASTE MANAGEMENT PROJECTS CLASSIFICATION

### A.2.1 Structure of the Waste Management Projects Regulation

The Waste Management Projects Regulation is broken down into various parts. Part II describes the waste management projects that are designated by the Regulation as projects subject to the requirements for an environmental assessment approval under Part II of the Act (individual environmental assessment).

Part III of the Regulation designates other waste management projects that are exempted from the requirement to obtain an approval (conditional exemption from Part II of the Act) provided that the proponent follows the process and carries out the project in accordance with the Environmental Screening Process for Waste Management Projects. Section 23 describes the projects that are unconditionally exempted from the *Environmental Assessment Act*.

The designations in Parts II and III of the Regulation capture the type of project and not the proponent (private or public), which means that the Regulation applies to both private and public sector waste management projects that are designated.

### A.2.2 Application to Waste Facilities/Sites

Under the Waste Management Projects Regulation, made under the *Environmental Assessment Act*, some waste management projects, regardless of whether the proponent is public or private sector, are designated under the Act. Various waste management projects are then exempted from meeting the requirements of the Act if the proponent complies with and completes the Environmental Screening Process (these are outlined in the Regulation and summarized in Tables 1, 2 and 3 of the Guide). **Proponents who want to rely on the exemption provided for in the Waste Management Projects Regulation are required to comply with the provisions of the Environmental Screening Process before proceeding with a project.** As well, there are some waste management projects, such as transfer/processing stations that process, handle or treat waste, less than or equal to 1,000 tonnes per day, that are not designated as projects subject to the Act.

As outlined in the Waste Management Projects Regulation and summarized in Tables 1, 2 and 3 of the Guide, the Environmental Screening Process is applicable to the establishment or change activities of the types of waste management projects described in Part III of the Regulation.

### A.2.3 Establishment or Change of Waste Facilities

The *Environmental Assessment Act* provides for the protection, conservation and wise management of Ontario's environment by establishing a responsible and accountable process for decision-making before a project is undertaken. The three processes for waste projects that have been developed to ensure that the purpose of the *Environmental Assessment Act* is met are individual Environmental Assessments, Class Environmental Assessments (e.g., Ministry of Natural Resources and Forestry's *Resource Stewardship and Facility Development Projects Class Environmental Assessment*) and environmental screening processes for waste management and electricity projects. The Ministry of the Environment, Conservation and Parks developed both the Waste Management Projects Regulation and the Environmental Screening Process to ensure that the purpose of the *Environmental Assessment Act* is maintained in the review of specified waste management projects, while promoting a fair, timely, consistent and predictable process that can be conducted in parallel with other legislative requirements. For certain waste management projects, the Environmental Screening Process sets out the requirements for assessing the environmental effects of the waste management projects, including requirements for consultation with government agencies, Indigenous communities and interested persons and for documenting the results of the Environmental Screening Process. The Environmental Screening Process also sets out opportunities for government agencies, Indigenous communities and interested persons, to review reports prepared under the Environmental Screening Process, and opportunities to request that projects be elevated (i.e., be required to complete an Individual EA before proceeding).

The Environmental Screening Process applies to certain waste management projects designated in the Waste Management Projects Regulation. **For the flow chart outlining the steps in the Environmental Screening Process, see Figure 1 in Part B.**

In the Environmental Screening Process, the definition of "environment" is the same as that in the *Environmental Assessment Act*. "Environment" in the Act is broadly defined to include air, land and water as well as natural, cultural, social and economic components. The screening criteria which must be applied to all projects that are exempt, subject to the Environmental Screening Process, reflect this broad definition of "environment."

### A.2.4 Environmental Assessment Process Streams for Waste Management Projects

Under the Waste Management Projects Regulation, the designations of waste management projects reflect the type of waste to be managed, and the size, expressed as the volume for a landfill project or the volume of waste treated and/or brought on site. In some cases, the ability of a planned facility to undertake thermal treatment to produce energy or recover materials including fuel is also reflected in the environmental assessment requirements.

There are three categories for waste management projects. The first category is for major projects with the potential for significant environmental effects. These projects require the preparation of a Terms of Reference and an individual environmental assessment. For more information on the steps required to conduct an individual environmental assessment, contact:

Environmental Assessment Branch  
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135 St. Clair Avenue West  
Toronto, ON M4V 1P5  
Telephone: (416) 314-8001  
Toll free: 1-800-461-6290  
Fax: (416) 314-8452  
E-mail: [EABDirector@ontario.ca](mailto:EABDirector@ontario.ca)  
Website: <https://www.ontario.ca/page/environmental-assessments>

The second category is for those projects which have predictable environmental effects that can be readily mitigated. These projects are subject to the *Environmental Assessment Act*, but proponents of these projects are not required to prepare an individual environmental assessment on the condition that they complete the Environmental Screening Process (set out in Part B of this Guide). At any point in the planning process the proponent may elect to switch process streams and to prepare an individual environmental assessment. There are also provisions in the Environmental Screening Process to elevate projects from the Environmental Screening Process to an individual environmental assessment.

The third category is for those projects that are unconditionally exempt. Although projects in this category are not required to comply with the *Environmental Assessment Act*, they are required to comply with any other applicable existing legislative requirements. The types of facilities in this category are those which are expected to have minimal environmental effects. If there are significant environmental effects associated with a project that is following this waste process, the proponent could voluntarily enter into an agreement with the Minister of the Environment, Conservation and Parks to have the requirements of the *Environmental Assessment Act* apply.

The tables below identify the projects that are subject to an individual environmental assessment, environmental screening or are unconditionally exempt, as set out in the regulation. Corresponding parts of the regulation are provided in parenthesis at the end of each activity. Please note that these tables are for guidance purposes only.

**Table 1: Projects Subject to Part II of the Act**

Type of Waste Disposal Site	Action	Description	Section
Landfill or Dump	Establish	A landfill or dump with a total waste disposal volume greater than 100,000m <sup>3</sup>	Section 2 Paragraph 1
<p>Class A thermal treatment site</p> <p><u>Definition</u>  <i>“Class A thermal treatment site” means a thermal treatment site that uses coal, oil or petroleum coke as a fuel for thermal treatment</i></p>	Establish	<p>A Class A thermal treatment site unless,</p> <ul style="list-style-type: none"> <li>i. The site is located at a commercial, industrial or manufacturing facility,</li> <li>ii. the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste,</li> <li>iii. more than 100 tonnes of waste are received at the facility per day, and</li> <li>iv. of the energy or fuel generated by thermal treatment at the site that is used, <ul style="list-style-type: none"> <li>A. all of the energy or fuel is used at the facility, and</li> <li>B. not all of the energy or fuel is used to dispose of waste.</li> </ul> </li> </ul>	Section 2 Paragraph 2
<p>Class B thermal treatment site</p> <p><u>Definition</u>  <i>“Class B thermal treatment site” means a thermal treatment site that meets the following criteria:</i></p> <ul style="list-style-type: none"> <li>1. <i>It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li>2. <i>Thermal treatment is not used for the principal purpose of recovering material described in subsection (3).</i></li> <li>3. <i>Of the energy generated by thermal treatment that is used, all of it is used at the site to dispose of waste.</i></li> </ul>	Establish	A Class B thermal treatment site if the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 10 tonnes.	Section 2 Paragraph 3
<p>Class D thermal treatment site</p> <p><u>Definition</u>  <i>“Class D thermal treatment site” means a thermal</i></p>	Establish	<p>A Class D thermal treatment site, if,</p> <ul style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 100 tonnes, and</li> </ul>	Section 2 Paragraph 4

Type of Waste Disposal Site	Action	Description	Section
<p><i>treatment site that meets the following criteria:</i></p> <ol style="list-style-type: none"> <li>1. <i>It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li>2. <i>Thermal treatment is used for the principal purpose of recovering material described in subsection (3).</i></li> <li>3. <i>Of the energy generated by thermal treatment that is used, all of it is used at the site.</i></li> </ol>		<ol style="list-style-type: none"> <li>ii. the annual recovery rate calculated under subsection 1 (4) in respect of thermal treatment at the site is less than 70 per cent.</li> </ol>	
<p>Class D thermal treatment site</p> <p><u>Definition</u></p> <p><i>"Class D thermal treatment site" means a thermal treatment site that meets the following criteria:</i></p> <ol style="list-style-type: none"> <li>1. <i>It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li>2. <i>Thermal treatment is used for the principal purpose of recovering material described in subsection (3).</i></li> <li>3. <i>Of the energy generated by thermal treatment that is used, all of it is used at the site.</i></li> </ol>	Establish	<p>A Class D thermal treatment site, if,</p> <ol style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 1,000 tonnes, and</li> <li>ii. the annual recovery rate calculated under subsection 1 (4) in respect of thermal treatment at the site is equal to or greater than 70 per cent.</li> </ol>	Section 2 Paragraph 5
Waste disposal site – hazardous or liquid industrial waste	Establish	A site at which hazardous or liquid industrial waste is finally disposed of.	Section 2 Paragraph 6
Waste disposal site	Change	<p>A site that is not previously <sup>Note 1</sup>, but changes to become:</p> <ol style="list-style-type: none"> <li>1. A landfill or dump greater than 100,000m<sup>3</sup>; <sup>Note 2</sup></li> <li>2. A Class A thermal treatment site; <sup>Note 3</sup></li> <li>3. A Class B thermal treatment site where the maximum amount of waste subject to thermal treatment is more than 10 tonnes per day;</li> </ol>	Section 3



Type of Waste Disposal Site	Action	Description	Section
		<p>4. A Class D thermal treatment site where,</p> <ul style="list-style-type: none"> <li>i. the maximum amount of waste subject to thermal treatment is more than 100 tonnes per day, and</li> <li>ii. the annual recovery rate is equal to or greater than 70%;</li> </ul> <p>5. A Class D thermal treatment site where,</p> <ul style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site is more than 1,000 tonnes per day, and</li> <li>ii. the annual recovery rate is equal to or greater than 70%</li> </ul> <p>6. A waste disposal site at which hazardous or liquid industrial waste is finally disposed of.</p> <p><u>Note 1:</u> a site that is not designated in the Regulation or a site that is designated in Part III (Environmental Screening Process).</p> <p><u>Note 2:</u> This subsection does not apply to a change to a landfill or dump if the change adds 100,000m<sup>3</sup> or less.</p> <p><u>Note 3:</u> Other than a Class A thermal treatment site that meets the criteria in subparagraphs 2 i to iv of section 2.</p>	
Landfill or dump	Change	The change would increase the total waste disposal volume by more than 375,000 m <sup>3</sup> .	Subsection 4 (1)
Landfill or dump	Change	The change would increase the total waste disposal volume by more than 100,000 but less than or equal 375,000 m <sup>3</sup> , and the change is not one that is designated under s. 13 (2) of the Regulation (i.e. the change is not exempt on the condition that the Environmental Screening Process is followed)	Subsection 4 (2)
Landfill or dump	Change	<p>The change:</p> <ul style="list-style-type: none"> <li>i. involves the excavation of waste previously disposed of at the landfill or dump; and</li> <li>ii. the excavation would increase by more than 100,000m<sup>3</sup> the amount</li> </ul>	Section 5

Type of Waste Disposal Site	Action	Description	Section
		of waste that could be deposited at the site without any increase in the total waste disposal volume.	
Landfill or dump – hazardous or liquid industrial waste	Change	The change: i. results in an increase in the total waste disposal volume of the site; or ii. involves the excavation of previously disposed of waste.	Section 6
Thermal treatment site described in section 2	Change	A change to a thermal treatment site described in section 2 to a thermal treatment site described in a different paragraph of that section.	Section 7
Thermal treatment site – described in section 2 (including a thermal treatment site at which hazardous or liquid industrial waste is finally disposed of)	Change	A change that increases the amount of waste that is authorized to be thermally treated at the site on any day.	Section 8

**Table 2: Projects Exempted Subject to Fulfilling the Environmental Screening Process**

Type of Waste Disposal Site	Action	Description	Section
Landfill or dump	Establish	A landfill or dump 40,000m <sup>3</sup> or more but not more than 100,000m <sup>3</sup>	Section 11 Paragraph 1
Class A thermal treatment site  <u>Definition</u> <i>“Class A thermal treatment site” means a thermal treatment site that uses coal, oil or petroleum coke as a fuel for thermal treatment</i>	Establish	A Class A thermal treatment site if it satisfies the criterial set out in subparagraphs 2 i to iv of section 2.	Section 11 Paragraph 2
Class B thermal treatment site  <u>Definition</u> <i>“Class B thermal treatment site” means a thermal treatment site that meets the following criteria:</i> <ol style="list-style-type: none"> <li><i>1. It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li><i>2. Thermal treatment is not used for the principal purpose of recovering material described in subsection (3).</i></li> <li><i>3. Of the energy generated by thermal treatment that is used, all of it is used at the site to dispose of waste;</i></li> </ol>	Establish	A Class B thermal treatment site if the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is less than or equal to 10 tonnes.	Section 11 Paragraph 3
Class C thermal treatment site  Definition <i>“Class C thermal treatment site” means a thermal treatment site that meets the following criteria:</i> <ol style="list-style-type: none"> <li><i>1. It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li><i>2. If thermal treatment is used for the principal purpose of recovering material described in subsection (3), of the energy generated by thermal treatment that is used,</i></li> </ol>	Establish	A Class C thermal treatment site.	Section 11 Paragraph 4

Type of Waste Disposal Site	Action	Description	Section
<p>some or all of it is used at a location other than the site.</p> <p>3. If thermal treatment is not used for the principal purpose of recovering material described in subsection (3), of the energy generated by thermal treatment that is used, some or all of it is,</p> <ul style="list-style-type: none"> <li>i. used at the site for a purpose other than disposal of waste, or</li> <li>ii. used at a location other than the site</li> </ul>			
<p>Class D thermal treatment site</p> <p><u>Definition</u>  <i>"Class D thermal treatment site" means a thermal treatment site that meets the following criteria:</i></p> <ul style="list-style-type: none"> <li>1. <i>It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li>2. <i>Thermal treatment is used for the principal purpose of recovering material described in subsection (3).</i></li> <li>3. <i>Of the energy generated by thermal treatment that is used, all of it is used at the site.</i></li> </ul>	Establish	<p>A Class D thermal treatment site, if,</p> <ul style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 10 tonnes but less than or equal to 100 tonnes, and</li> <li>ii. the annual recovery rate calculated under subsection 1 (4) in respect of thermal treatment at the site is less than 70 per cent.</li> </ul>	Section 11 Paragraph 5
<p>Class D thermal treatment site</p> <p><u>Definition</u>  <i>"Class D thermal treatment site" means a thermal treatment site that meets the following criteria:</i></p> <ul style="list-style-type: none"> <li>1. <i>It does not use coal, oil or petroleum coke as a fuel for thermal treatment.</i></li> <li>2. <i>Thermal treatment is used for the principal purpose of recovering material described in subsection (3).</i></li> </ul>	Establish	<p>A Class D thermal treatment site, if,</p> <ul style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 100 tonnes but less than or equal to 1,000 tonnes, and</li> <li>ii. the annual recovery rate calculated under subsection 1 (4) in respect of thermal treatment at the site is equal to or greater than 70 per cent.</li> </ul>	Section 11 Paragraph 6

Type of Waste Disposal Site	Action	Description	Section
<p>3. <i>Of the energy generated by thermal treatment that is used, all of it is used at the site.</i></p>			
<p>Waste disposal site – transfer Station</p>	<p>Establish</p>	<p>A site at which:</p> <ul style="list-style-type: none"> <li>i. waste is handled, treated or processed; and</li> <li>ii. on an annual basis, an average of more than 1,000 tpd is transferred from the site for final disposal.</li> </ul>	<p>Section 11 Paragraph 7</p>
<p>Waste disposal site</p>	<p>Change</p>	<p>A site that is not previously <sup>Note 1</sup>, but changes to become:</p> <ul style="list-style-type: none"> <li>1. A landfilling site or dump with a total waste disposal volume of 40,000 cubic metres or more but not more than 100,000 cubic metres. <sup>Note 2</sup></li> <li>2. A Class A thermal treatment site if it satisfies the criteria set out in subparagraphs 2 i to iv of section 2.</li> <li>3. A Class B thermal treatment site if the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is less than or equal to 10 tonnes.</li> <li>4. A Class C thermal treatment site.</li> <li>5. A Class D thermal treatment site, if, <ul style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 10 tonnes but less than or equal to 100 tonnes, and</li> <li>ii. the annual recovery rate calculated under subsection 1 (4) in respect of thermal treatment at the site is less than 70 per cent.</li> </ul> </li> <li>6. A Class D thermal treatment site, if, <ul style="list-style-type: none"> <li>i. the maximum amount of waste that is subject to thermal treatment at the site on any day, measured by weight, is more than 100 tonnes but less than or equal to 1,000 tonnes, and</li> </ul> </li> </ul>	<p>Section 12</p>

Type of Waste Disposal Site	Action	Description	Section
		<ul style="list-style-type: none"> <li>ii. the annual recovery rate calculated under subsection 1 (4) in respect of thermal treatment at the site is equal to or greater than 70 per cent.</li> </ul> <p>7. A waste disposal site at which waste is handled, treated or processed, if, on an annual basis, an average of more than 1,000 tonnes of waste per day is transferred from the site for final disposal.</p> <p><u>Note 1:</u> a site that is not designated in the Regulation or a site that is designated in Part II (Environmental Assessment under Part II of the Act.).  <u>Note 2:</u> This subsection does not apply if the change adds less than 40,000m<sup>3</sup>.</p>	
Landfill or dump	Change	The change would add 40,000m <sup>3</sup> or more but not more than 100,000m <sup>3</sup> to the total waste disposal volume.	Subsection 13 (1)
Landfill or dump	Change	<p>The following criteria are met:</p> <ul style="list-style-type: none"> <li>1. The change would add more than 100,000 but less than or equal to 375,000 m<sup>3</sup> to the total waste disposal volume,</li> <li>2. The change would increase the total waste disposal volume by less than or equal to 25%, and</li> <li>3. If the Environmental Screening Process was previously followed for a change that met criteria 1 and 2, it has been at least 10 years since submitting the notice of completion for the previous change.</li> </ul>	Subsection 13 (2)
Landfill or dump	Change	<p>The change:</p> <ul style="list-style-type: none"> <li>i. involves the excavation of waste previously disposed of at the landfill or dump; and</li> <li>ii. the excavation would increase by 40,000m<sup>3</sup> or more but not more than 100,000m<sup>3</sup> the amount of waste that could be deposited without an increase in the total waste disposal volume.</li> </ul>	Section 14

Type of Waste Disposal Site	Action	Description	Section
Landfill or dump - described in paragraph 1 of section 11, or paragraphs 1 or 6 of section 2	Change	The change would increase the rate at which the landfill or dump is filled.	Section 15
Thermal treatment site described in section 11	Change	A change to any class of thermal treatment site listed in section 11 to a different class of thermal treatment also described in that section.	Section 15.1
Thermal treatment site – described in section 11	Change	A change that increases the amount of waste that is authorized to be thermally treated at the site on any day.	Section 16
Waste disposal site – transfer station	Change	The change would increase, on an annual basis, the average amount of waste transferred off of the site for final disposal by an average, on an annual basis, of more than 1,000 tpd.	Section 17
Waste disposal site – described in section: 2 or 11	Change	The change would include new area to the geographic area from which the site is authorized to receive waste.	Section 18

**Table 3: Exemptions from Part II of the Act**

Type of Waste Disposal Site	Action	Description	Section
Waste disposal site	Establish or Change	An undertaking in respect of a waste disposal site by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, unless, if the undertaking were not an undertaking by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities, the undertaking would be designated under Part II or III as an undertaking to which the Act applies.	Section 23 Paragraph 1
Waste disposal site	Change	The change: <ul style="list-style-type: none"> <li>i. is required by an order made under the Environmental Protection Act (EPA) or the Ontario Water Resources Act (OWRA); or</li> <li>ii. involves the excavation of waste that was previously disposed of at the site, and a Director appointed under s.5 of the EPA or the OWRA is of the opinion that, <ul style="list-style-type: none"> <li>A. the primary purpose of the excavation is not to increase the amount of waste that will be deposited at the site, and</li> <li>B. all of the purposes of the excavation are appropriate.</li> </ul> </li> </ul>	Section 23 Paragraph 2
Thermal treatment site	Establish	A thermal treatment site that would cease operation within 12 months of waste first being received at the site.	Section 23 Paragraph 3
Thermal treatment site	Establish or Change	A thermal treatment site, other than a Class D thermal treatment site, if: <ul style="list-style-type: none"> <li>i. the site is located at a commercial, industrial or manufacturing facility,</li> <li>ii. the primary purpose of the facility is not waste management,</li> <li>iii. not more than 100 tpd are received at the facility, and</li> <li>iv. EFW is produced at the site and all of the EFW produced is used at the facility.</li> </ul>	Section 23 Paragraph 4



Type of Waste Disposal Site	Action	Description	Section
Thermal treatment site	Establish or Change	A thermal treatment site, if: <ul style="list-style-type: none"> <li>i. the site is located at a commercial, industrial or manufacturing facility,</li> <li>ii. the primary purpose of the facility is not waste management,</li> <li>iii. all of the waste that is subject to thermal treatment at the site is generated at the facility, and</li> <li>iv. No EFW is produced.</li> </ul>	Section 23 Paragraph 5
Landfill	Change	The change is: <ul style="list-style-type: none"> <li>i. an increase in the service area of the site or an increase in the rate at which waste may be received from areas within the site's service area; and</li> <li>ii. this increase is exempt from sections 30 and 32 of the EPA under s.5.2 of O. Reg 347.</li> </ul>	Section 23 Paragraph 6
Waste disposal site – no hazardous or hauled liquid industrial waste	Establish or Change	A certificate of approval for establishing or changing the site is issued pursuant to s.31 of the EPA (Emergency Provisions) without requiring the Tribunal to hold a hearing.	Section 23 Paragraph 7
Landfill or dump – owned by a person engaged in forest products operations	Establish or Change	Where: <ul style="list-style-type: none"> <li>i. no hazardous waste or liquid industrial waste is deposited at the landfill or dump,</li> <li>ii. the only waste deposited at the landfill or dump is produced by the person who owns the landfill or dump or by other persons engaged in forest products operations, and</li> <li>iii. the waste deposited at the landfill or dump is predominantly solid process waste.</li> </ul>	Section 23 Paragraph 8
Waste disposal site – exempt wastes	Establish or Change	Where the only waste deposited, disposed of, handled, stored, transferred, treated or processed at the site is waste that, under O. Reg 347, is exempt from Part V of the EPA.	Section 23 Paragraph 9

## A.3 CONSULTATION OVERVIEW

Consultation early in and throughout the process is a key feature of environmental assessment planning. This section provides a general overview of consultation activities with government agencies, interested persons, and Indigenous communities. **This overview discussion is provided as guidance; the specific requirements regarding consultation (i.e., mandatory notification and documentation) in the Environmental Screening Process are described in Part B of this Guide in the applicable process steps.**

The MECP's Code of Practice for *Consultation in the Environmental Assessment Process* should be referred to for additional information on consultation.

To improve efficiency, proponents are encouraged to combine or coordinate consultation required for other approvals with their consultation for the Environmental Screening Process. The Environmental Screening Process can complement and contribute to other processes that may apply to a waste project, such as an Official Plan amendment, or a impact assessment under the *Impact Assessment Act*.

### A.3.1 Public Consultation

The purpose of consultation in the Environmental Screening Process is to allow the proponent to identify and consider concerns and issues and to provide interested persons with an opportunity to receive information about and make meaningful input into the project review and development.

Public consultation is required for all projects that are subject to the Environmental Screening Process. Consultation is necessary for the proponent to:

- properly notify potentially interested persons, which include those potentially affected by the project;
- identify and assess the range of environmental (which includes socio-economic) effects of the project; and
- address the concerns of interested persons, which include adjacent property owners, interest groups and persons that may be affected by some aspect of the project.

It is the proponent's responsibility to design and implement an appropriate consultation program for the project. At a minimum, the program should provide appropriate opportunities and forums

for interested persons to participate in the Environmental Screening Process, and must incorporate the mandatory public notification requirements specified in the Environmental Screening Process. Based on the potential environmental effects and level of public interest associated with each project, proponents may decide to add other consultation events such as open houses and meetings. Proponents should tailor the consultation program to reflect the nature of the project and the needs of interested persons. **Failure to carry out adequate public consultation or to address interested persons issues or concerns are often the reason for requests to elevate projects to an individual environmental assessment (refer to B.3 of this Guide for additional information on elevation requests).** The proponent's public consultation program, including methods used to obtain input and efforts to address or resolve concerns and issues, will be considered by the Minister in the event of a request to elevate the project.

The proponent's public consultation program should:

- identify potentially interested persons;
- describe how the project may affect the environment;
- provide notification to interested persons as prescribed in the Environmental Screening Process;
- inform interested persons where, when and how they can be involved;
- identify interested persons concerns and issues related to the project;
- address interested persons concerns and issues raised during the program;
- document how interested persons input is taken into account in the Environmental Screening Process;
- commence early in the Environmental Screening Process and continue throughout the process as necessary; and
- maintain a record and mailing list of all participants in the consultation process, a record of interested persons concerns and issues, and a record of how any concerns and issues have been addressed during the Environmental Screening Process.

Proponents are encouraged to consider the use of conflict resolution techniques, such as facilitation, negotiation, mediation or arbitration to resolve difficult or contentious concerns and issues during the Environmental Screening Process<sup>1</sup>.

### A.3.2 Government Agency Consultation

The purpose of government agency consultation is to inform and receive input from all government agencies with jurisdiction or a program interest related to a particular waste project. This may include federal and provincial ministries and agencies and municipalities. It is the proponent's responsibility to identify and consult with the appropriate government agencies. At a minimum, relevant government agencies are provided with copies of the mandatory notices. For information purposes, a list of government agencies that may have jurisdiction or an interest in the review and approval of waste management projects is provided in Appendix B.

The proponent is responsible for contacting the appropriate government agency technical representatives. The mandates of government review agencies are such that the agencies needs and requirements for information may be more stringent than for interested persons. Proponents should be prepared to provide government review agencies with detailed information when requested. Proponents are advised to follow up with the relevant government review agencies to ensure that the appropriate personnel have received notification of the project and that sufficient time is provided for the government agency's review.

Where many government agencies are involved in the project and/or where the issues are complex, proponents may find it beneficial to hold meetings with all government agencies. This can help ensure consistent communication and information across government agencies.

Government agency issues and concerns should be suitably addressed prior to release of the Environmental Screening Report for formal review through issuance of the Notice of Completion. This will help avoid fundamental concerns or disagreements being raised at a late stage in the Environmental Screening Process. Providing government review agencies with an opportunity to comment on draft reports can be helpful in this regard. Proponents are strongly encouraged to circulate draft Environmental Screening Reports to the appropriate government agency contacts for comment prior to the formal review periods. Adequate time must be provided for government review agencies to comment on draft reports. Circulation of draft reports to government agencies allows the proponent the opportunity to include government

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<sup>1</sup> For more information on mediation, see the MECP's Code of Practice for *Using Mediation in Ontario's Environmental Assessment Process*.

review agency final comments in the final report, so that interested persons have an opportunity to see whether government agencies have any concerns about the project.

Please note that information on which government agencies were consulted, government agency concerns or issues and how they have been resolved or addressed, as well as copies of key government agency comments are required to be included in the Environmental Screening Report.

### A.3.3 A.3.3 Consultation with Indigenous Communities

Consultation with Indigenous communities in the Environmental Screening Processes is intended to allow the proponent to identify and address concerns and issues of Indigenous communities and to provide an opportunity to receive information about and have meaningful input into the project review and development. In addition, such consultation is intended to address situations where the Crown may have a duty to consult with Indigenous communities.

It should be noted that whether or not the Crown has a constitutional duty to consult with an Indigenous community, the community may be an interested person for the purposes of consultation under the Environmental Screening Process. Proponents are expected to consult with all interested and potentially impacted Indigenous communities as described in Section A.3.1; The Crown will rely on this consultation where the Crown's duty to consult obligation arises and additional consultation by the proponent may be required in relation to fulfilling that duty.

To assist proponents in developing a list of Indigenous communities that are required to be consulted, the proponent must contact the Environmental Assessment Branch using the contact information listed above for a list of communities and organizations that proponents will contact.

Aboriginal rights and treaty rights are protected by section 35 of the *Constitution Act, 1982*. Aboriginal rights stem from practices, customs or traditions which are integral to the distinctive culture of the Indigenous community claiming the right. Treaty rights stem from the signing of treaties with the Crown.

The Crown may have a duty to consult with Indigenous communities in order to satisfy its responsibilities with respect to potential adverse impacts of projects on asserted or established Aboriginal or treaty rights. This Guide is not intended to fully describe how any such duty, if triggered, may be discharged. However, the Crown may delegate the procedural aspects of consultation to proponents, and recognizes a corresponding responsibility of Indigenous communities to participate in this process, make their concerns known and respond to efforts to address their concerns. To the extent that any Crown duties of consultation are triggered for a particular project, the Environmental Screening Process set out in this Guide describes some of

the actions and procedural aspects of consultation that proponents are required to take with respect to consultation with Indigenous communities.

Proponents will document the consultation process with Indigenous communities in the Environmental Screening Report in accordance with the Environmental Screening Process. In addition to the information identified in section A.3.1 above, the following information, as applicable and appropriate (i.e., not confidential), should be documented with respect to Indigenous consultation:

- any information that was shared by an Indigenous community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity on such rights;
- any proposed project changes or mitigation measures that were discussed and feedback from Indigenous communities on those commitments;
- information regarding any financial assistance or other capacity support provided by the proponent to enable participation by Indigenous communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the ministry; and
- a summary of how the delegated aspects of consultation were carried out and the results.

Proponents will keep a separate Indigenous community consultation record, which tracks consultation with Indigenous communities separately from consultation with interested persons and stakeholders. This will help the ministry assess the sufficiency of the proponent's consultation activities with Indigenous communities.

## **A.4 OTHER PROVISIONS**

### **A.4.1 Change of Proponent**

Due to unforeseen circumstances, there is the potential for a proponent of a waste project to change during the Environmental Screening Process. If the change occurs prior to submission of the Environmental Screening Report, then the new proponent has the opportunity to make modifications to the Report until the point of submission. However, if the change in proponenty occurs after the Environmental Screening Report has been completed and the Notice of Completion has been posted, then modifications to the report are not permitted. This means that

the new proponent must follow any commitments made in the report in order to receive the exemption from the *Environmental Assessment Act*. Note that a simple change in proponenty is not subject to the provisions of the Regulation. However, where a change of proponent may impact the operation of a waste disposal site, the new proponent may need to assess the operational modification associated with the acquisition of the site to determine if some level of review is required.

#### A.4.2 Thermal Treatment Projects

The Regulation describes some types of waste projects that manage waste by using thermal treatment. These projects thermally treat waste to dispose of it, and may generate energy (electricity and heat), or may thermally treat waste and recover material, including fuel.

Thermal treatment projects that both generate electricity and manage waste, may be designated as subject to the *Environmental Assessment Act* under both the Waste Management Projects Regulation and the Electricity Projects Regulation. For projects designated under both regulations it is the Waste Management Projects Regulation that governs. Waste-fueled electricity projects that require approval as waste management sites or systems under section 27, *Environmental Protection Act* are subject to this Environmental Screening Process, while waste-fueled electricity projects that are not subject to section 27 of the *Environmental Protection Act* will need to adhere to the Electricity Projects Regulation. Proponents of projects that are subject to the Environmental Screening Process for Waste Projects may also want to refer to the Guide to Environmental Assessment Requirements for Electricity Projects to obtain any pertinent information that could assist them in identifying and assessing environmental effects related to the electricity component of the project.

Another purpose of thermal treatment projects is the recovery of valuable materials through advanced recycling. Examples of thermal treatment technologies that are used to recover materials include gasification and pyrolysis facilities. Advanced recycling technologies can use heat and pressure to break down waste to generate a valuable material that can be used as an alternative fuel, or as a feedstock to replace a virgin material.

For more information on the environmental assessment requirements for thermal treatment sites see Appendix D

### A.4.3 Other Legislation

Completion of the Environmental Screening Process, under the *Environmental Assessment Act*, does not relieve proponents from the responsibility to obtain any necessary approvals or permits required under other legislation. The process can be viewed as an opportunity to identify the appropriate approval requirements early in the process and to coordinate these requirements. Work on other approvals can proceed in parallel and be coordinated/combined

with the Environmental Screening Process. Environmental information, analysis and consultation required in appropriate circumstances for the Environmental Screening Process can be used by proponents in appropriate circumstances in obtaining other environmental approvals and permits. In turn, information compiled for other approvals can be used in preparing reports and documentation under the Environmental Screening Process.

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**Completion of the Environmental Screening Process under the *Environmental Assessment Act* does not relieve proponents from the responsibility to obtain any necessary approvals or permits required under other legislation.**

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The following statutes and regulations associated with them, may contain provisions that relate to the establishment or change to one or more types of waste projects. This is not an exhaustive list and proponents are responsible for identifying all applicable legal requirements.

- *Environmental Protection Act*
- *Ontario Water Resources Act*
- *Planning Act*
- *Oak Ridges Moraine Conservation Act*
- *Greenbelt Act*
- *Places to Grow Act*
- *Public Lands Act*
- *Lakes and Rivers Improvement Act*
- *Conservation Authorities Act*
- *Impact Assessment Act*
- *Canadian Environmental Protection Act*
- *Species at Risk Act*
- *Fisheries Act*
- *Clean Water Act*

A brief description of some of these statutes is provided in Appendix C of this Guide.



#### A.4.3.1 Environmental Bill of Rights

Some approvals under provincial legislation (such as most applications for air emissions under section 9 of the *Environmental Protection Act*) are “classified instruments” under the *Environmental Bill of Rights*<sup>2</sup>. Applications for classified instruments are subject to public participation requirements of the *Environmental Bill of Rights*, including posting of proposals on the Environmental Registry. However under section 32 of the *Environmental Bill of Rights*, proposals that are a step toward implementing a project that has been approved under the *Environmental Assessment Act* or exempted from the Act’s requirements are exempted from *Environmental Bill of Rights* public participation requirements. Since projects that are reviewed under the Environmental Screening Process are proceeding in accordance with the exemption provided for in the Waste Management Projects Regulation made under the *Environmental Assessment Act*, subsequent approvals related to such projects are exempt from the *Environmental Bill of Rights* public consultation requirements. Approvals related to waste management projects that are not designated (i.e., described as “No environmental assessment requirements” projects in this Guide, such as transfer/processing stations that process, handle or treat less than or equal to 1,000 tonnes per day) are not exempted from *Environmental Bill of Rights* requirements. The ministry’s guides to applying for approvals under the *Environmental Protection Act* and *Ontario Water Resources Act* contain further information about *Environmental Bill of Rights* exemptions.

It is the responsibility of the proponent to ensure that all regulatory requirements for waste management projects are met. The information provided regarding the above legislation is given for information purposes only and to acknowledge other regulatory requirements that may work in conjunction with the Environmental Screening Process.

#### A.4.4 Class Environmental Assessments

There are some projects that currently proceed under class environmental assessments. For a project that is of a type subject to both the Waste Management Projects regulation and an approved class environmental assessment (i.e., Ministry of Natural Resources and Forestry Resource Stewardship and Facility Development Projects), the proponent of the class environmental assessment shall proceed with the project in accordance with the class environmental assessment.

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<sup>2</sup> Classified instruments are listed in Regulation 681/94, “Classification of Proposals for Instruments,” issued under the *Environmental Bill of Rights*.

## **Part B: Environmental Screening Process**

### **B.1 GENERAL INFORMATION**

Part B of the Guide, which includes Schedules I and II, sets out the requirements of the Environmental Screening Process. The Environmental Screening Process is a proponent driven, self-assessment process. If the proponent is relying on an exemption in the regulation, the proponent must be satisfied that its project meets the description of projects in the class of projects that are exempt, subject to complying with the part of the Guide – the Environmental Screening Process.

In making this determination, proponents are not to break up or “piecemeal” a larger project into separate components or phases, with each part addressed as a separate project. Proponents are also responsible for determining when to formally commence the process. Depending on the scale and nature of the project, proponents may wish to conduct preliminary consultation and issue scoping prior to commencing the Environmental Screening Process. The proponent also determines the time required to adequately conduct the Environmental Screening Process with sufficient consultation and when it is in a position to issue an Environmental Screening Report for review by government agency, Indigenous communities and interested persons . It should be noted that whether or not the Crown has a constitutional duty to consult with an Indigenous community, the community or members of it may be interested persons or concerned persons for the purposes of consultation in the Environmental Screening Process. References to interested persons or concerned persons in the requirements for consultation include Indigenous communities.

It is recommended that a proponent commence the Environmental Screening Process before project planning, site layout and project design have progressed too far and before irreversible decisions or commitments are made. Proponents should contact the appropriate Environmental Resource Planner and EA coordinator as the first point of contact for guidance on the requirements of the Environmental Screening Process (see Appendix A for contact information for the ministry’s regional offices).

A proponent is not prohibited from making other public announcements or statements about the project, undertaking economic feasibility studies, initiating private discussions or negotiations, consultations with government agencies, Indigenous communities, or interested persons, , environmental studies or commencing work to obtain other approvals prior to commencing the Environmental Screening Process.

Proponents are encouraged to conduct the Environmental Screening Process concurrently with applications for other approvals. If an environmental effect or issue identified in the Environmental Screening Process is also being addressed under another environmental approval (e.g., an approval under the *Environmental Protection Act*), proponents should describe the other approvals required, and should provide sufficient information in their reports under the Environmental Screening Process to demonstrate that the project is feasible and that the subsequent approvals are attainable. The proponent may decide to prepare more detailed technical information and studies in cases where there are concerns from government agencies, Indigenous communities or interested persons, about a potential environmental effect. Provision of sufficiently detailed information can help assure government agencies, Indigenous communities and interested persons that environmental effects have been adequately addressed, and may reduce the likelihood of a request to elevate the project.

Since the Environmental Screening Process is a self-assessment process, reports that proponents prepare under the Environmental Screening Process do not require approval by the ministry. However, the proponent is required to consult with affected government agencies, including the appropriate regional office of the ministry, during the course of the review under the Environmental Screening Process. The ministry, as a key affected government agency, may provide comments or advice to proponents to address the ministry's concerns. In responding to the proponent, the ministry's consideration may include among other things:

- whether proponents have met the requirements of the Environmental Screening Process; and
- whether proponents have adequately considered the ministry's mandate based on the *Environmental Protection Act* and *Ontario Water Resources Act*; regulations under those Acts; technical procedures and guidelines; and policy and program areas including the Provincial Policy Statement issued under the *Planning Act*.

Proponents are strongly encouraged to circulate draft Environmental Screening Reports to the appropriate regional office of the ministry, as well as to other government agencies and key interested persons, as well as Indigenous communities, to ensure that concerns have been adequately addressed.

Under the Environmental Screening Process, any interested person or Indigenous community can submit an elevation request (refer to Section B.3 for additional information). If an elevation request is submitted within 60 days following publication of the Notice of Completion, the Minister will review the proponent's report(s) in making a decision on the elevation request. If no elevation requests are received during the review period, the proponent completes the process by filling out a "Statement of Completion" form (refer to Schedule II), submitting a copy to the Director and the Regional Coordinator and placing a copy on the project file.

Once a Statement of Completion has been submitted, the proponent can proceed to construct the project, subject to any other required approvals. The project must be implemented in the manner described in the Environmental Screening Report, and the proponent must comply with any conditions that the Minister imposes in any decision not to elevate a project.

In all situations where review under the Environmental Screening Process is required, it is the responsibility of the proponent to ensure that the planning process, as set out in the Environmental Screening Process, is undertaken. If the proponent does not comply with Part B of this Guide and proceeds with the project, then the proponent is in contravention of the *Environmental Assessment Act*. Offences and penalties are dealt with in section 38 of the *Environmental Assessment Act*.

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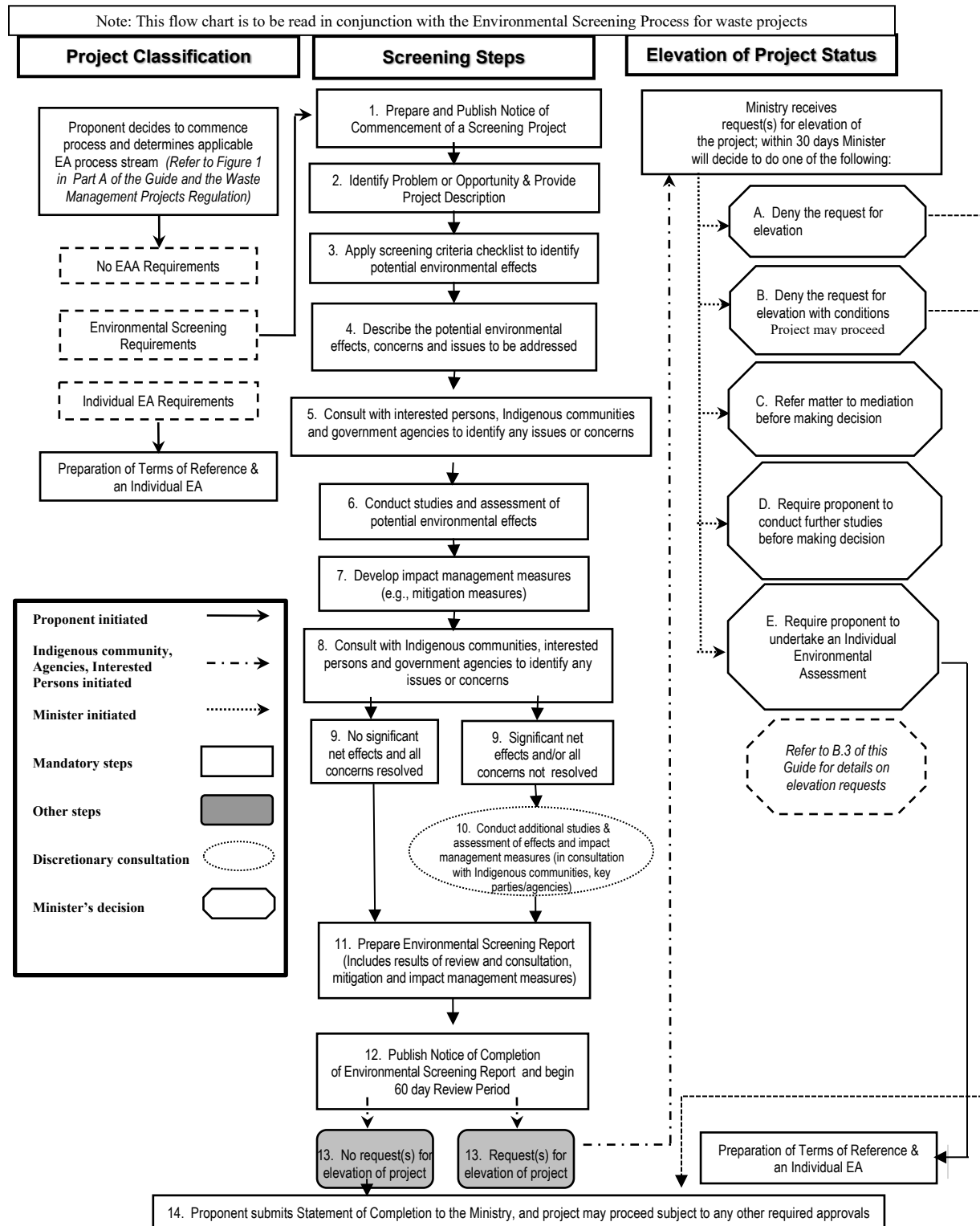
**If the proponent does not comply with Part B of this Guide and proceeds with the project, then the proponent is in contravention of the *Environmental Assessment Act*.**

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## **B.2 ENVIRONMENTAL SCREENING PROCESS STEPS**

The following sections describe the steps that must be followed in completing the Environmental Screening Process. The information has been provided to describe requirements of each step. For each step in the process, the text contained within the shaded box reflects requirements that the proponent must comply with in order to proceed with its project without an approval under Part II of the Act. The text provided outside of the shaded box reflects guidance on meeting these requirements and sets out the Ministry's and the others' roles in the process. If there is any conflict between the text outside the shaded box and text within the shaded box, the text within the shaded box governs to the extent of any conflict.

**Figure 1: Details of Environmental Screening Process**



## **B.2.1 Steps in the Environmental Screening Process**

### **1. Notice of Commencement of a Screening**

The proponent shall prepare and issue a public Notice of Commencement of a Screening for any project if the project is exempt subject to complying with the Environmental Screening Process and the proponent is ready to commence such a review.

The Notice shall contain the following:

- proponent name, address, contact person, phone number;
- a brief description of the proposed project;
- a statement that the project is subject to the Ministry of the Environment, Conservation and Parks' Environmental Screening Process for Waste Management Projects; and
- a map showing the study area and the project location.

The proponent shall publish the Notice twice in all local newspapers with circulation in the vicinity of the project. Where no such newspaper exists, the proponent shall provide notice via a local means the proponent considers appropriate and that achieves the objective of broad notice. The proponent shall place the Notice on a website, and provide the website address in the Notice.

The proponent shall mail or deliver the Notice (or an equivalent letter or information package) to:

- the appropriate Regional Coordinator;
- other affected government agencies and municipalities;
- Indigenous communities included on the List of Indigenous communities; and
- other potentially interested persons that the proponent is aware of (such as local interest groups, businesses, and members of the public that may be affected by some aspect of the project).

For the purposes of Consultation with Indigenous communities the proponent shall prepare a List of Indigenous communities that may be potentially affected by or interested in the project. Proponents shall contact the Environmental Assessment Branch to compile this List (see contact information in the Introduction to this Guide). Proponents shall ask the organizations provided by the Branch to identify which Indigenous communities they believe may be potentially affected by or interested in the project. *Additional requirements for Consultation with Indigenous communities are included in Step 11.*

### **1. Notice of Commencement of a Screening (*continued*)**

Proponents shall consult with Indigenous peoples when conducting a Screening. In addition to sending the Notice of Commencement as required in Step 1, the proponent shall forward the following information to all Indigenous communities on the proponent's List of Indigenous communities:

- a description of the project (prepared by the proponent as required by Step 2);
- a completed Screening Criteria checklist and a clear identification of potential short and long term negative environmental effects;
- a request that the community indicate to the proponent whether it is interested in the project, the nature of its interest and whether it wishes to be consulted further about the project; and
- proponent contact information.

In a self-assessment process, the proponent must first determine whether the project: 1) is exempt, subject to complying with the Environmental Screening Process; 2) is subject to meeting the requirements of Part II of the Act (individual environmental assessment); or 3) is exempt from meeting any requirements under the Act. For projects proceeding under the Environmental Screening Process, the proponent initiates the Environmental Screening Process through the preparation and issuance of a Notice of Commencement of a Screening. It is recommended that proponents contact the appropriate Regional Coordinator prior to issuance of the Notice of Commencement for guidance on the Environmental Screening Process.

Proponents prepare the Notice of Commencement to formally announce the project planning is proceeding and is thus commencing the review under the Environmental Screening Process. The Notice must provide basic information on the project (e.g., location, nature of the activity to be carried out). This is the first mandatory consultation activity with government agencies, Indigenous communities and interested persons.

The proponent is required to mail or deliver the Notice to potentially interested and affected persons, Indigenous communities and government agencies. To assist in this, and to ensure proper future notification requirements are met, the proponent is expected to maintain a mailing list of anyone, including government agencies, that provide comments and input or otherwise express an interest in the project.

The proponent must publish the Notice twice in the newspaper(s) with circulation in the vicinity of the project. This can be done through issuance in the newspaper on two separate days (i.e., Wednesday and Sunday). If there is more than one newspaper in the study area, proponents must



issue the notice in each newspaper to ensure coverage in the study area. Where no such newspaper exists, the proponent determines and provides notice via equivalent local means, which still achieves the objective of broad notice.

This Notice and any other notice required to be given under the Environmental Screening Process may be combined with other notices required under other statutes, provided the notice clearly states which notices are being combined and contains all the information required for each notice.

## **2. Identify Problem or Opportunity and Provide Project Description**

The proponent shall develop a problem or opportunity statement that identifies the factors which lead to the conclusion to move forward with applying for approvals to proceed with the project.

The proponent shall develop a detailed description of the project that shall include all phases and components of the project and shall address the construction, operation, and retirement of the project as applicable. If the component parts are dependent on each other, then all of the components must be combined and dealt with as a single project.

For projects that are establishing or changing a thermal treatment site, the proponent shall include the following information in the project description:

- the thermal treatment technology that is to be used;
- the mass of waste that is proposed to be thermally treated (in tonnes per day); and
- whether any energy is proposed to be captured and how that energy is to be used.

If the thermal treatment site proposed is a Class C or D site engaging in advanced recycling (i.e., thermal treatment is used for the principal purpose of recovering material described in subsection 1 (3) of the Waste Management Projects Regulation), the proponent shall also include the following information in the project description:

- how the material recovered at the proposed site will meet the criteria established in subsection 1 (3) of the Waste Management Projects Regulation; and
- the projected recovery rate calculated in accordance with subsection 1 (4) of the Waste Management Projects Regulation.

This step is intended to lead to the development of a clear statement of the problem or opportunity being addressed by the proposed project. Proponents should utilize existing studies or reviews to assist in defining this problem or opportunity. For municipalities this may include studies such as waste studies, diversion strategies, etc., and for private sector proponents, these may be business plans.

For thermal treatment sites engaging in advanced recycling, see Appendix D for additional information on calculating a recovery rate and determining outputs that are recovered materials.

Please note that the proponent is not required to provide in the project description a description of activities that are considered to be routine activities associated with the project. These activities include: routine adjustments, repairs, replacements, maintenance.

In assessing the magnitude and extent of a problem or opportunity, it is important that the project not be broken down or “piecemealed” into component parts or phases, with each part being addressed as a separate project. If the component parts are dependent on each other, then the component parts must all be described in the project description.

The proponent prepares a description of the project for the purposes of the Environmental Screening Process. In describing the project, proponents shall include all phases and components of the project. For any project that is the establishment of, or change to a facility, the project description needs to include a discussion on the project phases of construction, operation, use and/or retirement of the facility, depending on what is applicable to the project. Including these components of the project life cycle in the project description will provide a comprehensive view of the project and will aid in determining whether or not the project should proceed.

Some aspects of the project description may change during the Environmental Screening Process based on environmental effects, mitigation measures, etc., that are identified in subsequent steps of the Process. Thus, the project description may be “fine-tuned” during the Screening Process. However, the Environmental Screening Report must include the finalized version of the detailed project description.

### **3. Apply Screening Criteria Checklist to Identify Potential Environmental Effects**

The proponent shall apply the screening criteria checklist in Schedule I to the project as it has been described in the project description in Step 2. The questions in the checklist must be answered with a “yes” or “no” response. Mitigation measures shall not be considered in concluding that there is “no” potential environmental effect.

The screening criteria checklist can be found in Schedule I of the Guide. Proponents must fill out the checklist by answering a series of questions, based on the screening criteria, to identify the potential for any negative effects on the environment. The screening criteria are presented in the form of a checklist with the option of a “Yes” or “No” response. The screening criteria reflect the broad definition of “environment” contained in the Act (i.e., social, cultural and economic environment in addition to land, air, water, etc.).

Mitigation measures are not to be considered in concluding that there is “No” potential negative environmental effect. That is, if the proponent determines that there is a potential environmental effect, but that the effect could likely be addressed through mitigation, the proponent answers “Yes” to the question. This approach will ensure that the potential environmental effects of a project and the proponent’s proposed plans and methods for mitigating and managing any impacts are open to discussion and review by all interested persons, Indigenous communities and government agencies, and that the proponent has made a commitment to implement mitigation measures.

If the project might cause environmental effects, the proponent provides additional information in its Environmental Screening Report, explaining the potential effect(s), methods to mitigate or address the effect(s), any net effects that are anticipated and if so, their significance. Where the proponent indicates that no environmental effects are anticipated it is recommended that they still provide additional information in the Environmental Screening Report to explain or support the “no effects” conclusion.

The complexity of the project and the potential environmental effects will be reflected in the checklist through the number of “Yes” boxes that are selected and/or the variety of headings (i.e., socio-economic, land, air and noise) with potential environmental effects. These identified potential effects will result in the need for more detailed studies to be subsequently undertaken to determine impact management measures (which may include mitigation measures) and whether any significant net effects remain.

Proponents should keep in mind that at the conclusion of the Environmental Screening Process, they will be required to conduct an overall assessment of the environmental **advantages** (benefits) and **disadvantages** (net effects) of the project (please see Step 9). In order to identify and evaluate **disadvantages**, the proponent shall apply the screening criteria (found in Schedule I) to the project as it has been described in the project description outlined above.

Examples of **advantages** of a waste management project may include the diversion of waste from disposal, generation, capture of energy, recovery of material and generation of employment.

Negative environmental effects include the negative effects that a project has, or could potentially have, directly or indirectly on the environment at any stage in the project life cycle. Negative environmental effects may include, but are not limited to, the harmful alteration, disruption, destruction, or loss of natural features, flora or fauna and their habitat, ecological functions, natural resources, air or water quality, and cultural or heritage resources. Negative environmental effects may also include the displacement, impairment, conflict or interference with existing land uses, businesses or economic enterprises, recreational uses or activities, cultural pursuits, social conditions or the local economy.

Proponents are required to provide a description of both the **advantages** and **disadvantages** of their projects in their Environmental Screening Report.

#### **4. Describe the Potential Environmental Effects, Concerns and/or Issues to be Addressed**

The proponent shall describe the potential environmental effects, concerns and/or issues, to be addressed in the Environmental Screening Process that were identified in the screening criteria checklist, any positive effects of the project, and any relevant regulatory provisions and approvals that may be required. This description shall be included in the Environmental Screening Report.

Additional information and analysis are required for each of the potential environmental effects identified by the screening criteria checklist. This includes a description of the negative environmental effects or concerns. In addition to the checklist, this is the opportunity to discuss any positive environmental effects of the project.

As mentioned above, environmental effects are the negative and/or positive effects that a project has, or could potentially have, directly or indirectly on the environment at any stage in the project life cycle. Negative environmental effects may include, but are not limited to, the harmful alteration, disruption, destruction, or loss of natural features, flora or fauna and their habitat, ecological functions, natural resources, air or water quality, and cultural or heritage resources. Negative environmental effects may also include the displacement, impairment, conflict or interference with existing land uses, businesses or economic enterprises, recreational uses or activities, cultural pursuits, social conditions or the local economy. Positive environmental effects may include the diversion of waste from disposal, generation, capture of energy, recovery of material and generation of employment.

In this section, the proponent should describe how existing waste regulations (e.g., regulations under the Resource Recovery and Circular Economy Act, 2016, O. Reg. 101/94 Recycling and Composting of Municipal Waste, or O. Reg. 103/94 Industrial, Commercial and Institutional

Source Separation Programs) and other applicable regulations will apply to the proposed activity and how emission regulations and guidelines (e.g., O. Reg. 419/05 Air Pollution – Local Air Quality and Guideline A-7) will be addressed. In addition, the proponent can discuss any relevant waste studies (including diversion strategies and/or targets), and where and how provincial and municipal waste management guidance has been incorporated and if applicable, how the project will support these programs.

#### **5. Consult with Interested Persons, including Indigenous Communities and Government Agencies to Identify Any Issues or Concerns**

The proponent shall review the Environmental Screening Process completed in steps one through four through consultation with the ministry, interested persons, including Indigenous communities and government agencies. The information to be reviewed may include the problem or opportunity, project description and the potential environmental effects.

The proponent shall place a notice(s) related to this consultation activity on a website, and provide the website address in the notice(s). The notice shall outline the consultation activity the proponent proposes to undertake.

This is the 2<sup>nd</sup> mandatory consultation activity the proponent must undertake in the Environmental Screening Process.

There are various methods of consultation that can be undertaken to address this task. While the point of contact is mandatory, the proponent determines the appropriate method of consultation. An example of some of the methods of consultation include: Public Information Centre or Open House, newsletter, kitchen-table discussions, or further notice in local newspaper. Government agencies are interested in technical information and commitments to obtain further approvals under other legislation. The methods for consulting government agencies vary and could include circulation of notices, circulation of information packages providing details on the project and environment, telephone contact, meetings and circulation of technical reports for review.

Regardless of the method of consultation, the purpose is to provide information and request feedback from interested persons, Indigenous communities and government agencies by maintaining two-way communication.

It is likely that proponents, in particular municipalities, may have undertaken previous consultation activities prior to commencing the Environmental Screening Process. For example, a waste study may have been developed with specific consultation activities undertaken. It is not intended that proponents duplicate these consultation activities but they can add these activities to new consultation activities under this process and they may be conducted in parallel with the

Environmental Screening Process where feasible. If these activities are ongoing, they can be combined, where appropriate, for the purposes of the Environmental Screening Process. Proponents should provide a summary of the consultation activities that have previously taken place, including the key outcomes, as part of the consultation activity for this step in the Environmental Screening Process.

#### **6. Conduct Studies and Assessment of Potential Environmental Effects**

The proponent shall conduct necessary data collection, studies and analysis to understand the basis, extent, duration, inter-relationships and magnitude of potential environmental effects.

The proponent shall complete an assessment of potential environmental effects to determine whether mitigation measures and/or impact management measures are to be included in the project.

For each of the potential environmental effects identified in the screening criteria checklist by a “Yes” response to the questions, the proponent shall conduct necessary data collection, studies and analysis to understand the basis, extent, duration, inter-relationships and magnitude of the potential effects.

The proponent determines the level of analysis that must be completed to assess the potential environmental effects. However, it is recommended that proponents consult with the appropriate Regional Coordinator and any other key government agencies (e.g., Conservation Authority, Ministry of Natural Resources and Forestry, Department of Fisheries and Oceans) so that the proposed studies to be conducted are sufficient to adequately assess the potential environmental effects of the project. To assist proponents in determining the key government agencies, the Branch can be contacted to obtain a copy of the Government Review Team list.

Based on the studies conducted, the proponent can also provide a preliminary level of discussion on how the project can satisfy municipal, provincial and federal requirements related to waste management activities (e.g., waste regulations) as well as concerns brought up in the consultations.

### **7. Develop Impact Management Measures (including Mitigation Measures)**

The proponent shall develop and describe impact management measures (including mitigation measures) related to the potential negative environmental effects identified by the screening criteria checklist. In addition, the proponent shall provide a discussion on the monitoring requirements (if known and/or applicable) related to the identified potential negative environmental effects.

The additional analysis which is required for each of the potential negative environmental effects identified on the screening criteria checklist includes a description of the impact management measures (which includes mitigation measures) included in the project to be used to avoid, reduce, or minimize the potential negative environmental effects, concerns or issues.

In proposing mitigation methods, the proponent should consider changes to the site layout, the project design, construction methods and/or scheduling, proposed operations as well as other impact management measures to reduce the severity of, avoid or control potential negative environmental effects of the project.

It is recognized that all monitoring commitments may not be known at this stage in the Process, and that some will be developed based on additional studies for other approval processes. The proponent shall include a discussion of the known and/or applicable monitoring commitments at this time, but they will also need to identify the monitoring commitments in the Environmental Screening Report. The proponent can reference the ministry's Landfill Standards Guideline and the A-7 Guideline and the need for consideration of continuous emissions monitoring when describing the monitoring requirements in respect of other approvals.

### **8. Consult with Interested Persons, including Indigenous Communities and Government Agencies to Identify Any Issues or Concerns**

The proponent shall review the Environmental Screening Process completed in steps one through eight through consultation with the ministry, interested persons, including Indigenous communities and government agencies. The information to be reviewed must include the problem or opportunity, project description, the potential environmental effects and impact management measures (including mitigation measures).

The proponent shall place a notice(s) related to this consultation activity on a website, and provide the website address in the notice(s). The notice shall outline the consultation activity the proponent proposes to undertake.

This is the 3<sup>rd</sup> mandatory consultation activity the proponent must undertake in the Environmental Screening Process.

There are various methods of consultation that can be undertaken to address this task. While the point of contact is mandatory, the proponent determines the appropriate method of consultation. Some examples of the methods of consultation include: Public Information Centre or Open House, newsletter, kitchen-table discussions, or further notice in local newspaper. Government agencies are interested in technical information and commitments to obtain further approvals under other legislation. The methods for consulting government agencies varies and could include circulation of notices, circulation of information packages providing details on the project and environment, telephone contact, meetings and circulation of technical reports for review.

Based on the potential environmental effects and level of concerns associated with the project, proponents may decide to hold consultation events such as open houses and meetings. Proponents should tailor the consultation program to reflect the nature of the project and the needs of interested persons, Indigenous communities and/or government agencies.

### **9. Significant Net Effects and Resolution of Concerns**

The proponent shall use the screening criteria checklist to initially identify the potential environmental effects of the project. Having identified potential environmental effects in step 3, the proponent shall identify the net environmental effects.

Proponents shall assess the significance of any net effects of the project by considering the following: the value or importance of the resource being affected; the magnitude of the effect and its duration; the extent or distribution of the effect; the likelihood of the effect; whether the effect can be reversed over time; and, the ecological and social context of the effect.

The proponent shall conduct an overall assessment of the advantages and disadvantages of the project. In order to identify and evaluate **disadvantages** of the project, the proponent shall apply the screening criteria to the project as it has been described in the detailed project description outlined in Step 2.

Additional discussion on the assessment of “net effects” is provided in the general discussions for Step 3.

The following summarizes the steps for additional information and analysis which are required for each of the potential environmental effects identified by the screening criteria checklist:



- the identification of any “net effects”;
- an assessment of the net effects the proponent considers significant; and,
- an overall assessment of the environmental advantages and disadvantages of the project, taking into account net effects identified during the Screening stage.

**Net effects are those potential negative environmental effects caused by the project and related activities that will remain after impact management measures (which includes mitigation measures) have been applied.**

The proponent develops and applies impact management commitments (including mitigation measures) to determine the net environmental effects. If the net environmental effects are determined to be significant or concerns are unresolved, then additional studies may need to be conducted.

In the Environmental Screening Process, the definition of “environment” includes air, land and water as well as natural, cultural, social and economic components. This broad definition of “environment” is to be used by proponents in identifying and evaluating both the advantages and disadvantages of their projects.

Advantages are any positive environmental effects of the project. Examples of an advantage include the creation of jobs, capture of energy or the recovery of materials that may be used directly (such as a replacement for virgin materials or a fuel that meets applicable standards). At this stage, disadvantages are net effects. Where disadvantages may be offset by advantages of the project, this offset is to be evaluated. In determining any remaining net effects, proponents should note that meeting regulatory requirements does not necessarily mean that there is no net effect. Although meeting such requirements will achieve some mitigation of potential negative environmental effects, there may be remaining negative effects that must be acknowledged.

#### **10. Conduct Additional Studies and Assessment of Effects and Mitigation Measures**

The proponent shall conduct additional studies and shall further assess the net effects if the proponent considers the net effects to be significant or the proponent considers that there are unresolved concerns (remaining after attempts to address them as part of Step 9). The studies shall further assess the net effects by identifying and applying new or additional mitigation measures as appropriate.

A proponent may determine during the Environmental Screening Process or while completing the Environmental Screening Report that there remain potential net effects or concerns that

require further assessment and resolution. The proponent may decide to conduct additional studies. In deciding whether to conduct additional studies, the proponent should consider:

- the success of attempts to minimize effects and address concerns through the selection of the site, the technology, the project design, or through the use of reasonable mitigation and impact management;
- the significance of any net effects;
- how commitments to mitigation are accepted by government agencies, Indigenous communities, interested persons; and
- whether additional studies and analysis are likely to provide tangible results.

New or alternative mitigation measures may also be proposed by the proponents based on information obtained from conducting additional studies. If, as a result of any further studies, new or additional measures are considered by the proponent to be appropriate, these measures shall be included in the Environmental Screening Report.

There is a discretionary consultation activity associated with this task. It is recommended that the proponent consult with interested persons, Indigenous communities and/or key government agencies to assist in determining the level of additional study required and to discuss the results from the studies.

## **11. Prepare Environmental Screening Report**

The proponent shall prepare an Environmental Screening Report that documents the process followed and the conclusions reached. The proponent shall include the following information in an Environmental Screening Report:

- background information including the finalized project description, the purpose of the project and a basic outline of technologies to be used;
- a map of the project location;
- a description of the local environment and conditions;
- a description of any other required approvals and permits;
- a completed screening criteria checklist;
- a discussion providing an understanding of the “No” responses on the screening criteria checklist;
- a description of potential negative environmental effects identified through application of the screening criteria;
- for a Class C or D thermal treatment site proposed to engage in advanced recycling, documentation that:
  - demonstrates that the material which would be recovered meets the criteria indicated in subsection 1 (3) of the Waste Management Projects Regulation;
  - sets out the calculation of the projected recovery rate in accordance with subsection 1 (4) of the Regulation, based on the projected mass of material that will be subject to thermal treatment annually and the projected mass of the recovered materials. The proponent shall include any applicable documentation to support the conversion factors if the state (i.e., gas, liquid, solid) of the recovered material is different from the state of the input material;
- an assessment of the overall environmental advantages and disadvantages of the project (taking into account net effects identified during the Screening Process), to include discussion of any advantages that may offset disadvantages.

## 11. Prepare Environmental Screening Report (*continued*)

- a description of impact management measures (which includes mitigation) for any potential negative environmental effects identified through application of the screening criteria;
- a description of any net effects, including an assessment of the significance of the net effects;
- a description of any commitments to monitoring (such as net effects, compliance monitoring, emissions and/or discharges monitoring);
  - the nature of the interest that these communities expressed in the project;
  - information on how concerns have been resolved or addressed; and
  - copies of Indigenous community comments
- information on public and government agency consultation, including:
  - a description of the public and government agency consultation program and consultation activities/events;
  - a list of agencies contacted or consulted;
  - a summary of interested persons and government agency concerns or issues, and how they have been resolved or addressed;
  - copies of public and government agency comments;
- information on consultation with Indigenous communities, including:
  - a description of the consultation program and consultation activities/events;
  - a copy of the List of Indigenous communities (prepared by the proponent as required in Step 1);
  - indication of which of these communities expressed an interest in being further consulted about the project;
  - nature of the interest that these communities expressed in the project;
  - information on how concerns have been resolved or addressed; and
  - copies of Indigenous community comments
- a description of how environmental effects or issues may be addressed through other required approvals;
- a description of the consideration to establish a Public Liaison Committee and an ongoing commitment to review the same;
- references to or, where appropriate, complete technical reports supporting the Screening findings; and
- an assessment of the overall environmental advantages and disadvantages of the project (taking into account net effects identified during the Screening Process), to include discussion of any advantages that may offset disadvantages.

If, based on the assessment of the overall advantages and disadvantages of the project, the proponent determines that the project's advantages outweigh disadvantages, the proponent then prepares an Environmental Screening Report to document the results of the Environmental Screening Process.

The purpose of the Environmental Screening Report is to document the process followed and the conclusions reached. It is recognized that the level of detail will vary between projects and is not necessarily dependent on the size of the project but the potential environmental effects (in particular the net effects). A project that is more complex (i.e., has a greater number of potential environmental effects) will have a more detailed report. The basis for understanding the complexity of the project comes from the screening criteria checklist. The more "yes" answers a project has, the more detailed discussions (e.g., technical studies, consultation, mitigation measures, monitoring) would be expected to be provided in the Environmental Screening Report to address these issues.

In many cases, an environmental effect or issue identified in the Environmental Screening Process can also be addressed under another environmental approval (e.g., an approval under the *Environmental Protection Act*). Where this is the case, proponents are advised to provide sufficient information under the Environmental Screening Process to demonstrate that the project is feasible and that the subsequent approvals are attainable. The proponent may decide to prepare and provide more detailed technical information and studies in cases where there is government agency, Indigenous communities or interested persons concerns about a potential environmental effect. Provision of sufficiently detailed information can help assure government agencies, Indigenous communities and interested persons that environmental effects have been adequately addressed, and may reduce the likelihood of a request to elevate the project.

While not required to do additional studies on "no" responses, proponents shall provide a discussion in the Environmental Screening Report about them (i.e., at a minimum fill in additional information column in the screening checklist). This provides rationale/justification for determining there will be no negative effects.

To meet the requirements for the Environmental Screening Report, proponents should also review the screening checklist. For all of the "Yes" answers on the checklist, the following information is provided in the Environmental Screening Report:

- A description of potential negative effects identified through application of the screening criteria;
- A description of mitigation and impact management measures for any potential negative effects; and,
- A description of any net effects, including an assessment of their significance.

It is recommended that proponents organize their Environmental Screening Reports in a clear and comprehensive manner to allow for its timely review by government agencies, Indigenous communities and interested persons, (e.g., use titles for each section of the report that are consistent with those set out in Part B of this guide— e.g., “Project Description”, “Consultation Process”). It is also recommended that a summary (e.g., table) of the commitments made during the process (in particular highlighting the monitoring commitments) be provided in the Environmental Screening Report.

The proponent must examine whether or not they need to establish a Public Liaison Committee. The proponent can describe the notice that would be provided to find committee members. If sufficient notice was provided and there was no interest from the public in establishing such a committee, the proponent could describe the commitment to review this requirement (e.g., publish notices for the first few years of the project). If the committee was established, a description of the purpose of the committee (e.g., a focal point for the dissemination, review and exchange of information and monitoring results relevant to the operation of the facility) could also be provided.

For thermal treatment sites engaging in advanced recycling, see Appendix D for additional information on the criteria for recovered materials and for calculating a recovery rate.

Technical reports and other supporting information are not required to be included in the Environmental Screening Report, but must be referenced in the report. Proponents should make technical reports and other supporting information and copies of all correspondence related to the Environmental Screening Process available for Indigenous communities, interested persons or government agency review if requested.

Proponents are strongly encouraged to invite key government agencies (including the appropriate Regional Coordinator), Indigenous communities and interested to comment on a draft of the Environmental Screening Report prior to finalizing it. In addition, proponents should be prepared to provide government review agencies with detailed information when requested. Adequate time must be provided for the ministry and other government review agencies to comment on draft reports.

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**Proponents are encouraged to circulate a draft of the Environmental Screening Report to the appropriate government agencies, interested persons and Indigenous communities for comment prior to the formal review periods.**

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To help to address fundamental concerns or to avoid disagreements being raised at a late stage in the process, technical issues (which include issues raised by government agencies) should be suitably resolved prior to the preparation of a final Environmental Screening Report and issuance of a Notice of Completion.

## **12. Publish Notice of Completion of Environmental Screening Report**

The proponent shall prepare and distribute a Notice of Completion to inform government agencies and interested persons, including Indigenous communities (included on the list of Indigenous communities) that the proponent has completed a Screening under the Environmental Screening Process and that the minimum 60-day review period is commencing. The Notice must indicate where copies of the Environmental Screening Report can be obtained or reviewed. The Environmental Screening Report, technical reports and other supporting information (including copies of all correspondence related to the Environmental Screening Process) must be made available for review by interested persons and government agencies for a period of at least 60 calendar days in a convenient location(s) in the project area, such as a public library or community centre, where access is possible during both normal business hours and after business hours.

The Notice must be published twice in a local newspaper with circulation in the vicinity of the project (or an appropriate equivalent means of notifying the public where no such newspaper exists). The proponent shall mail or deliver the Notice to the appropriate Regional Coordinator, adjacent landowners and tenants, Indigenous communities and to all who have expressed an interest in the project. The proponent shall mail a copy of the final Environmental Screening Report and related technical studies to the Regional Coordinator, government agencies and Indigenous communities where these parties have expressed an interest in reviewing the report.

The proponent shall include in the Notice:

- Proponent name, address, contact person, phone number;
- a brief description of the proposed project;
- a statement that the project is subject to the Ministry of the Environment, Conservation and Parks' Environmental Screening Process for waste management projects;
- a map showing the project location;
- a brief description of the results of the Environmental Screening Process (e.g., on balance the advantages of proceeding with the project outweigh any identified disadvantages, that the proponent intends to proceed with the project subject to mitigation, other approvals);
- the location(s) where the Environmental Screening Report may be reviewed;
- a website where the Environmental Screening Report and project Notices are available for review;
- date of issuance of the Notice;
- an address, an email address and fax number of the Minister and Director of the Environmental Assessment Branch, Ministry of the Environment, Conservation and Parks;

## **12. Publish Notice of Completion (*continued*)**

- the date by which elevation requests must be submitted;
- a brief statement that indicates that any submission from interested persons, including Indigenous communities and government agencies, including any personal information contained therein, will be maintained as part of a record available to the public; and,
- notification on elevation requests which shall include the following information:
  - if concerned persons have outstanding environmental concerns about the project, they should raise these concerns with the proponent;
  - if the proponent and the concerned persons are unable to resolve the matter, the concerned persons can make a written request to the Minister, copying the Director to elevate the project to an Individual EA;
  - elevation requests must be made in accordance with the provisions set out in Section B.3 of the Guide. Proponents shall set the requirements from Section B.3. of the Guide in the Notice;
  - elevation requests are considered comments to a public process and information contained in a request will be shared with the proponent and may be circulated to other stakeholders.

This is the 4<sup>th</sup> mandatory consultation activity in the Environmental Screening Process.

The proponent shall make the Environmental Screening Report available for review for a period of at least 60 calendar days in a convenient location(s) in the project area, such as a public library or community centre or municipal office. The viewing locations selected should provide opportunities for the document to be viewed both during and after normal office hours. The proponent shall make technical reports (unless deemed by the proponent to be proprietary information) and other supporting information, including copies of all key correspondence related to the Environmental Screening Process, available with the Environmental Screening Report.

At each viewing location, it is recommended that proponents make more than one copy of the Environmental Screening Report and supporting information available for review, especially for controversial or large projects. The Environmental Screening Report must also be made available on the website established for the project.

The proponent shall mail or deliver the Notice to the appropriate Regional Coordinator, and to everyone who has expressed an interest in the project. The proponent shall mail a copy of the final Environmental Screening Report and related technical studies to the Regional Coordinator, government agencies and Indigenous communities where these parties have expressed an interest



in reviewing the report. For these purposes, the proponent should maintain throughout the Environmental Screening Process a mailing list of all persons, government agencies and Indigenous communities that provide comment and input to the process or otherwise express an interest in the project. The proponent should also mail or deliver the Notice to other potentially affected government agencies, municipalities, landowners, residents, businesses, Indigenous communities and local interest groups (e.g., local associations, government agencies previously circulated material that did not respond), even if they have not previously expressed an interest. The proponent may also choose to provide copies of the Environmental Screening Report directly to participating government agencies, Indigenous communities, and interested persons.

### **13. Elevation Requests**

The context for Elevation Requests is set out in detail in Section B.3, "Elevation Requests.". The proponent shall address elevation requests as directed by the Minister.

If additional time is needed to try to resolve issues, the proponent and the concerned person may agree to continue discussions for a mutually acceptable specified time period beyond the 60-day review period. In these circumstances, the proponent shall notify the Minister and copy the Director in writing that it and the concerned person have agreed to continue discussions, and the date by which those discussions are to be concluded.

Commitments or modifications made by a proponent to address concerns raised in an elevation request shall be documented by the proponent and placed in the project file. The proponent shall also provide written notice of commitments or modifications to the Minister and copy the Director and other affected persons, including persons that submitted an elevation request(s). The proponent is required to implement the project in accordance with any such commitments.

If the Director or Minister requires further study, the proponent shall carry out the further studies specified by the Director or Minister and submit them to the Director or Minister.

The particulars of the elevation process are set out under Section B.3.

#### **14. Submission of Statement of Completion to the Ministry**

If no elevation requests are submitted during the 60-day review period, or if any elevation requests are withdrawn or resolved, the proponent shall complete the Statement of Completion form and submit a copy to the Director and the Regional Coordinator and place a copy on the project file.

The proponent may then proceed with the project and shall implement the project in the manner described in the Environmental Screening Report and in accordance with any commitments or changes made subsequent to preparation of the Report. The proponent shall also comply with any conditions that the Director Minister applies in a decision not to elevate a project.

During implementation of the project, the results of monitoring shall be communicated to government agencies, Indigenous communities, and interested persons, if requested.

If no elevation requests are submitted during the 60-day review period, or if any requests are withdrawn or resolved, the proponent shall complete the Statement of Completion form found in Schedule II, submit a copy to the Minister, the Director and the Regional Coordinator and place a copy on the project file. For more information on project file requirements, see B.5.

Upon receipt of the Statement of Completion, the Director will issue a letter to the proponent acknowledging receipt of the Statement of Completion.

Construction of projects that are subject to the Environmental Screening Process cannot begin until the requirements of the Environmental Screening Process have been met and the Director acknowledges receipt of the Statement of Completion to the proponent. At this point, the project may proceed subject to any other required approvals. The proponent shall implement the project in the manner described in the Environmental Screening Report and in accordance with any commitments or modifications made subsequent to preparation of the Report. The proponent shall also comply with any conditions that the Minister imposes in deciding not to elevate a project.

During implementation of the project, the proponent undertakes any monitoring outlined in the Environmental Screening Report or in subsequent modifications or commitments. Monitoring may be necessary to ensure that the mitigation measures identified in the Environmental Screening Report are fulfilled and are effective. The results of monitoring shall be communicated to government agencies, Indigenous communities and interested persons, if requested.

## **B.3 ELEVATION REQUESTS**

Persons who have outstanding environmental concerns regarding a project are advised to bring their concerns to the attention of the proponent as early in the process as possible. It is important that these persons raise concerns early in the process, when the proponent has greater flexibility to accommodate changes. If concerned persons do not disclose issues until late in the process or choose not to participate in efforts by the proponent to resolve issues, this will be taken into consideration by the Minister in the event of a request to elevate the project.

If prior attempts by the proponent have not resolved the concerns, concerned persons may write to the Minister to request that the project be elevated. The provisions for elevation requests are described in the sections below.

The failure by the Minister or Director to meet any of the deadlines does not affect the validity of the Minister's actions.

### **B.3.1 Submission of Elevation Request**

An elevation request must be submitted to the Minister and a copy sent to the Director and proponent within the 60-day review period after the Notice of Completion of an Environmental Screening Report has been issued. In cases where the proponent and concerned persons have agreed to continue discussions for an agreed-upon time period beyond the 60-day review period, if concerns are not resolved the concerned persons can submit an elevation request to the Minister within a further 7 calendar days following conclusion of the agreed-upon time period. Requests submitted after the 60-day review period will not normally be considered. However, such requests may be considered if the proponent has failed to ensure proper notification to interested persons of the right to request that the project be elevated, or may be considered in conjunction with other requests received during the 60-day review period or during the further agreed-upon period referred to above. Unless extraordinary circumstances exist, requests for the Minister to elevate a project made before the Notice of Completion is published and the 60-day review period begins will be considered by the Minister to be premature and the requestor will be advised to re-submit during the 60-day review period.

**If one or more requests for elevation of the project are received by the Ministry within the 60-day review period, or the further 7-day period, the proponent shall not proceed with the project until the Minister makes a decision on the request(s) for elevation.**

A requester must include the following information in a written elevation request:

- the name of the project and proponent;

- the basis of the request;
- that the project be elevated to an individual environmental assessment;
- the nature of the specific environmental concerns that remain unresolved;
- the benefits of requiring the proponent to undertake an individual environmental assessment;
- information about any efforts to discuss/resolve these concerns/environmental effects with the proponent;
- details of any correspondence between the person and the proponent; and
- any other matters considered relevant by the requesting person.

A requester must send the elevation request to the Minister and send a copy to the Director and the proponent.

### **B.3.2 Attempt Resolution**

As aforementioned, it is in the proponent's best interest to attempt resolution of concerns. The submission of an elevation request does not preclude the proponent from attempting to continue efforts to resolve concerns directly with the requester(s).

#### **B.3.2.1 Commitments or Modifications to Project**

A proponent may decide to make a commitment or modify some aspect of the project to address concerns raised in an elevation request. Proponents are advised to consult with the concerned persons and affected government agencies as appropriate to ensure proposed commitments will address concerns.

Commitments or modifications made by a proponent to address concerns raised in an elevation request shall be documented by the proponent and placed on the project file. The proponent shall also provide written notice of commitments or modifications to the Minister, copying the Director, and other interested persons, including any persons that submitted an elevation request(s). The proponent shall implement the project in accordance with any such commitments.

When, following submission of an elevation request, the requester's concerns have been addressed by the proponent, the requester is responsible for withdrawing the elevation request. Requesters must provide written notice of withdrawals to the Minister and must send a copy to the Director and proponent.

#### **B.3.2.2 Voluntary Elevation**

The proponent may volunteer to elevate the project in order to address concerns raised in an elevation request.

If an elevation request(s) has been made and the proponent volunteers to prepare an **Individual Environmental Assessment** it shall advise the Minister, the Director and the requester(s) in writing. Upon receiving such notification, the review of the elevation request will be terminated. The proponent must then proceed to obtain approval for the project through an application made under Part II of the Act.

#### **B.3.3 Minister's Review of Elevation Request**

Where an elevation request(s) is received, the Environmental Assessment Branch will advise the proponent in writing that the request(s) has been received. The Branch will ask the proponent to submit information necessary to review the request. The Minister needs to have complete information before the review can commence (from the proponent and all persons involved in the elevation request). The Minister's review period will commence upon receipt of the necessary information in full from all persons.

Requests which are clearly made with the intent of delaying a project, are frivolous or vexatious or which contain insufficient information may be rejected by the Minister.

If an elevation request is received by the Minister, the Minister will consider the views of the proponent and the requester(s) and may consult other government agencies and/or Indigenous communities before making a decision. In making a decision, the Minister will consider the following:

- the basis of the request, including the requester's participation in the Environmental Screening Process;
- the views of other government agencies and/or Indigenous communities that have been consulted by the proponent or by the ministry;

- the extent and nature of interested persons concern;
- the potential for significant negative environmental effects or impacts on Aboriginal and Treaty rights;
- whether the project has properly been identified as a candidate for the Environmental Screening Process;
- the proponent's Environmental Screening Report and any related project documentation;
- the proponent's consultation program and attempts at dispute resolution;
- the proponent's responses to concerns raised by interested persons;
- the public benefits of subjecting the project to an individual environmental assessment; and,
- any other matter considered relevant by the Minister.

Within 30 calendar days of receiving the necessary information, the Minister, or Director for decisions referred to in D, will decide to do one of the following things:

- A Deny the request for elevation;
- B Deny the request for elevation with conditions;
- C Refer the matter to mediation before making a decision;
- D Require the proponent to conduct further study before making a decision; or,
- E Require the proponent to satisfy the requirements of Part II of the *Environmental Assessment Act* (which means completing a Terms of Reference and an individual environmental assessment).

#### **Where Minister Decides to Deny Request (A or B)**

Where the Minister has made decision A or B, the Minister will notify the proponent and the requester in writing, stating reasons for the decision.

### **Where Minister Refers the Matter to Mediation (C)**

Where the Minister decides to refer the matter to mediation, the Minister will notify the following persons of the referral and will give them written reasons for the referral:

- the proponent;
- the requester(s); and
- such other persons as the Minister considers appropriate.

The Minister may appoint one or more persons to act as a mediator who will endeavour to resolve matters identified by the Minister as being in dispute or of concern in connection with the project.

The participants in the mediation are the proponent, the requester and such other persons as the Minister may identify. Instead of identifying participants by name, the Minister may determine the manner in which they are to be identified and invited to participate. Unless the mediators decide otherwise, the mediation is not open to the public.

The mediators will give the Minister a written report on the conduct and results of the mediation within 60 days after their appointment or by such earlier deadline as the Minister may specify. Within 30 calendar days of receiving a report on the mediation, the Minister will, based on the results of that report and on the list of considerations set out in B.3.3, decide to:

- deny the request, with or without conditions (A or B above); or
- require that an Individual Environmental Assessment be prepared (E above).

### **Where Director or Minister Requires Further Study (D)**

Where the Director or Minister decides to require further study by the proponent, the proponent and the requester will be notified in writing, stating reasons and specifying the studies required to be carried out. The proponent shall carry out the further studies specified by the Director or Minister and submit them to the Director. Following the submission of the studies, provided the Director determines that the studies are complete, the Director refer the request to the Minister who will within 30 calendar days decide to:

- deny the request, with or without conditions (A or B above); or

- require that an individual environmental assessment be prepared (E below).

### **Where Minister Requires an Individual Environmental Assessment (E)**

Where the Minister decides to require the proponent to satisfy the requirements of Part II of the *Environmental Assessment Act*, the Minister will notify the requester and the proponent in writing, stating reasons for the decision.

Where the Minister requires the proponent to satisfy the requirements of Part II of the *Environmental Assessment Act*, the documentation, analysis and consultation conducted through the Environmental Screening Process may be used by the proponent in preparing the terms of reference and/or the individual environmental assessment.

#### **B.3.4 Minister's Elevation**

At any point in the Environmental Screening Process, including prior to any elevation request, if the Minister determines that a project: is likely to have a significant negative environmental effect(s) or adverse impact to constitutionally protected Aboriginal and Treaty rights, and that the scope and scale of these effects are such that an environmental assessment under Part II of the *Environmental Assessment Act* is required, or for any other reason that the Minister considers appropriate, the Minister may give a notice to the proponent requiring that an environmental assessment be prepared.

#### **B.3.5 Transition**

On August 8, 2023 O. Reg. 243/23 came into force making the Minister the decision maker for requiring the proponent of a waste management project to satisfy the requirements of Part II of the *Environmental Assessment Act*. On the same date, this Guide was updated to make the Minister the decision maker on elevation requests, apart from the decision to request the proponent to conduct further study before making a decision which is a Director's decision.

Where a Notice of Completion has been published and elevation requests have been received by the Director of the Environmental Assessment Branch prior to August 8, 2023, but no decision has been made by the Director, the decision maker on the request shall be the decision maker identified in section 3.3, as amended on August 8, 2023. The Minister shall be the decision maker to [A] deny the request for elevation, [B] deny the request for elevation with conditions, [C] refer the matter to mediation before making a decision, or [E] require the proponent to satisfy the requirements of Part II of the *Environmental Assessment Act*. The Director or Minister shall



be the decision maker to require the proponent to conduct further study before the Minister makes a decision [D].

## **B.4 ADDENDUM PROCESS PROVISIONS**

### **B.4.1 Application**

Due to unforeseen circumstances, it may not be feasible to implement the project in the manner outlined in the Environmental Screening Report. Proponents proposing a modification shall comply with the addendum provisions. A modification does not include a change that is defined in the Waste Management Projects Regulation, which must be dealt with as set out in the regulation. The process outlined (e.g., environmental screening, individual environmental assessment) in the Regulation applies to those types of changes designated in the Regulation. Circumstances under which proponents are subject to the addendum provisions include:

- where a project has been planned in accordance with the Environmental Screening Process and a Statement of Completion for the project has been issued, but where the proponent decides prior to or during construction to modify the project.
- where a project has been constructed/implemented as described in a completed Environmental Screening Report under the Environmental Screening Process, and where the proponent proposes to make a modification to the project.
- a lapse of time has occurred between the filing of the Statement of Completion and the implementation and construction of the project. If the period of time from filing of the Statement of Completion to the proposed commencement of construction for the project exceeds 5 years, the proponent shall review the Environmental Screening Process, the current environmental setting and the project to ensure that the project and the impact management and/or monitoring measures are still valid (refer to Section B.4.3 for process requirements).

## B.4.2 Addendum Review Process

### **Addendum Process**

Proponents shall determine if the Addendum process applies to the proposed modification to the project.

Proponents shall determine whether the proposed modification to the project may have potential negative environmental effects by applying the screening criteria checklist to the proposed modification.

Where the proponent concludes that there may be negative environmental effects, the proponent shall undertake any necessary studies and/or data analysis to identify what measures will be taken for impact management (including mitigation measures) and/or monitoring any negative environmental effects.

Proponents shall determine if the Addendum process applies to the modifications proposed (by following B.4.2.1). The focus in the Addendum process is the modification to the project and how this will affect the environmental effects identified for the original project.

### **B.4.2.1 Modifications to Waste Management Projects**

This section sets out the process that a proponent will be required to follow when making a modification to their waste management project. In order to determine which process a proposed modification falls into, the proponent should consider the following two questions:

1. Is the proposed modification a modification to a component described in your final project description as referred to in the Statement of Completion?
  - If the answer to the above is ‘yes’ then the proponent is required to determine whether an addendum is needed, as per the process listed under section B.4.2.2 Determining the Need for an Addendum.
  - If the answer to the above is ‘no’ the proponent shall proceed to question 2.
2. Is the proposed modification a modification to a component that is defined as a routine activity as defined in this guide?
  - If the answer to the above is ‘yes’, the proponent has no further environmental assessment requirements and shall refer to section B.4.2.3 on Other Approvals.

- If the answer to the above is ‘no’, then the proponent is required to determine whether an addendum is needed as per the process listed under the Determining the Need for an Addendum section B.4.2.2.

#### **B.4.2.2 Determining the Need for an Addendum**

As mentioned above, a proponent is only required to determine whether an addendum is needed if they are proposing a modification to a waste management project that is: listed, described or required to be described in the project’s final project description as referred to in the Statement of Completion; and, is not considered a routine activity which was not listed in the final project description as referred to in the Statement of Completion.

The purpose of this section is to determine whether or not the proposed modification will be subject to the Addendum provisions.

Proponents are required to follow the Screening Criteria Checklist in Schedule I with regards to their proposed modification. As per the checklist, if the proponent indicates ‘Yes’ on any single criterion for the modification to the project, there may be the potential for environmental effects. The proponent must therefore follow the Addendum provisions of this guide.

If the proponent indicates ‘No’ on all criteria, then the proponent has no further environmental assessment requirements and shall refer to section B.4.2.3 on Other Approvals.

#### **B.4.2.3 Other Approvals**

Certain modifications to a waste management project may not have environmental assessment requirements but will be required to follow other existing approval procedures related to that modification (e.g., *Environmental Protection Act – Part V*; *Ontario Water Resources Act*). These modifications include: a modification to a routine activity that was not listed in the final project description; and, a modification that has followed section B.4.2.2 - Determining the Need for an Addendum, and indicated ‘No’ on all criteria.

Where an Addendum is required, the proponent shall not proceed with the modification until the Addendum process is completed.

The proponent should be aware that if a modification is proposed to any of the components listed, described or required to be described in their final project description as referred to in the Statement of Completion, the proponent must determine whether an addendum is needed, as per the process listed in B.4.2.

Modifications to a component of a project that is not listed in the project description shall also be required to determine whether an addendum is needed, unless that modification is considered to be a routine activity associated with the normal operation of the project. Routine activities (as listed above) are not subject to the Addendum provisions so long as they were not described in the final project description as referred to in the Statement of Completion.

### **Addendum Report**

For modifications that are subject to the Addendum provisions, the proponent shall prepare an Addendum Report. In the Addendum Report the proponent shall reference the original Environmental Screening Report and describe the modification being considered, the circumstances necessitating the modification, the environmental effects of the modification, and what measures will be taken to mitigate, impact manage and/or monitor any negative environmental effects. The proponent shall document the conclusion, including any conclusion that there are no negative environmental effects from the modification, in an Addendum Report.

The proponent shall also include the completed screening criteria checklist for the modification in the Addendum Report.

Where the proponent concludes that there will be no negative environmental effects from the modification in relation to the original project, the proponent shall document that conclusion in the Addendum. The proponent shall also document a conclusion (if applicable) that potential negative environmental effects will result from the modification.

Depending on the complexity of the project and/or the scale of modifications proposed, proponents may need to consider consulting with government agencies, Indigenous communities or interested persons during the Addendum process. The mandatory consultation activity is the issuance of a Notice of Completion of Addendum which is discussed in section B.4.3.

The consultation activities with Indigenous communities, described in B.2.1, and the various consultation activities with Indigenous communities identified in the Environmental Screening Process steps, will need to be reviewed to determine those applicable to the Addendum process. The determination of applicability will be based on the modifications to the project proposed and the potential impact on Indigenous communities on the List of Indigenous communities.

### **B.4.3 Notice of Completion of Addendum**

#### **Publish Notice of Completion of Addendum**

The proponent shall prepare and distribute a Notice of Completion of Addendum to inform government agencies, Indigenous communities (included on the list of Indigenous communities) and interested persons that the proponent has modified the project and prepared an addendum to the Environmental Screening Report and that the minimum 30-day review period is commencing. The Notice must indicate where copies of the Addendum can be obtained or reviewed.

The proponent must make the Addendum available for interested persons and government agency review for a period of at least 30 calendar days in a convenient location(s) in the project area, such as a public library or community centre or municipal offices, where access is possible during both normal business hours and after business hours. The proponent shall make technical reports and other supporting information related to the modification available with the Addendum. At each viewing location, it is recommended that proponents make more than one copy of the Addendum and supporting information available for review, especially for controversial or large project modifications.

The proponent shall publish the notice twice in a local newspaper(s) with circulation in the vicinity of the project (or an appropriate equivalent means of notifying the public where no such newspaper exists). The proponent shall mail or deliver the Notice to the appropriate Regional Coordinator, all potentially affected members of the public, review agencies and Indigenous communities on the List of Indigenous communities as well as those who were provided a copy of the Notice of Completion for the original Environmental Screening Report. The proponent shall mail a copy of the final Addendum Report and related technical studies to the Regional Coordinator, government agencies and Indigenous communities where these parties received a copy of the original Environmental Screening Report.

The proponent shall include in the Notice:

- Proponent name, address, contact person, phone number;
- a brief description of the proposed project and the proposed modification;
- a statement that the project is subject to the Addendum provisions of the Ministry of the Environment, Conservation and Parks' Environmental Screening Process for waste management projects;
- a map showing the project location;
- a brief description of the results of the Addendum review;

**Publish Notice of Completion of Addendum (continued)**

- the location(s) where the Addendum may be reviewed;
- a website address where the Addendum is available for review;
- elevation requests may be made if a concerned person has outstanding environmental concerns about the modification to the project;
- a brief statement that indicates that any submission from interested persons, government agencies or Indigenous peoples, including any personal information contained therein, will be maintained as part of a record available to the public; and,
- the address and fax number of the Minister and the Director of the Environmental Assessment Branch, Ministry of the Environment, Conservation and Parks (where elevation requests are to be sent).

The proponent shall make the Addendum available for review for a period of at least 30 calendar days in the location(s) in the project area where the original Notice of Completion for the project was filed. The proponent shall make technical reports and other supporting information related to the modification available with the Addendum. At each viewing location, it is recommended that proponents make more than one copy of the Addendum and supporting information available for review, especially for controversial or large project modifications.

The proponent shall mail or deliver the Notice of Completion of Addendum to the appropriate Regional Coordinator, all potentially affected members of the public, government review agencies and Indigenous communities as well as those who were provided a copy of the Notice of Completion for the original Environmental Screening Report. The proponent shall mail a copy of the Addendum Report and related technical studies to the Regional Coordinator, government agencies and Indigenous communities who received a copy of the original Environmental Screening Report.

**B.4.4 30-Day Review Period for Addendum**

If concerns are raised during the 30-day comment period on the Addendum, the proponent should attempt to resolve the concerns. If additional time is needed to try to resolve issues, the proponent and the concerned person may agree to continue discussions for a mutually acceptable specified time period beyond the 30-day review period. In these circumstances, the proponent

shall notify the Director that it and the concerned person have agreed to continue discussions, and the date by which these further discussions will be completed. If the issues related to the project changes remain unresolved, the concerned person can submit an elevation request to the Minister within a further 7 calendar days of that agreed-upon date.

If one or more elevation requests are submitted during the 30-day review period, or during an agreed-upon time period after the 30-day review period to the Minister, copied to the Director, those aspects of the project that the proponent is proposing to modify cannot proceed until the Minister makes a final decision on the elevation request(s). See Section B.3 for more information on elevation requests.

**If one or more requests for elevation of the project are received by the Ministry within the 30-day review period, the project changes cannot proceed until the Minister makes a decision on the request(s) for elevation.**

#### **B.4.5 Statement of Completion and Implementation of Addendum**

##### **Submission of Statement of Completion (Addendum) to the Ministry**

If no elevation requests are submitted during the 30-day review period, or if the proponent and the Director, and the Minister are advised in writing that all requests to elevate modifications to the project to an individual Environmental Assessment have been withdrawn, the proponent shall complete the Statement of Completion form and submit a copy to the Director and the Regional Coordinator and place a copy on the project file (the original Statement of Completion will also remain in the project file).

The proponent shall implement the project modifications in the manner described in the Addendum and in accordance with any commitments or modifications made subsequent to preparation of the Addendum. The proponent shall also comply with any conditions that the Minister applies in a decision not to elevate a project.

If no elevation requests are submitted during the 30-day review period, or if the Minister, Director and proponent are advised in writing that all requests to elevate the modification to the project to an individual environmental assessment have been withdrawn, the proponent shall complete the Statement of Completion form found in Schedule II, submit a copy to the Director and the Regional Coordinator and place a copy on the project file. For more information on project file requirements, see B.5.

At this point, the proponent has completed the Addendum process and the project modifications may be implemented and constructed subject to any other required approvals. The Director acknowledges to the proponent, receipt of the Statement of Completion for the Addendum.

Prior to completion of the Addendum and submission of Statement of Completion, the proponent shall not undertake any work in respect of the modification. Furthermore, where implementation of a project has already commenced, the proponent shall not commence work on those portions of the project which are the subject of the Addendum. The proponent shall implement the modifications to the project in the manner described in the Addendum.

#### **B.4.6 Urgent Situation Provisions**

##### **Urgent Situation Provisions**

When a proposed modification to a project is in response to an urgent situation during construction and where a delay in the implementation of the modification would result in negative environmental effects, the proponent shall notify the appropriate Regional Coordinator and affected persons, including any Indigenous communities of the modification and then the proponent may implement the modifications without delay.

The proponent shall document the modification in an Addendum including the circumstances necessitating the modification, the environmental implications of the modification, and what was done to mitigate, impact manage and/or monitor any negative environmental effects. A Notice of Completion of Addendum shall be filed (refer to Section B.4.3 of the Guide) within 30 days of the completion of the modifications to the project. The elevation provisions in respect of the Addendum provisions do not apply.

#### **B.4.7 Lapse of Time**

##### **Lapse of Time**

If a project has met the Environmental Screening Process requirements but has not yet reached the start of construction within 5 years of submitting a Statement of Completion, the proponent shall review the Environmental Screening Process and the current environmental setting to ensure that the project and the mitigation, impact management and/or monitoring measures are still valid. The proponent shall document the review by placing a copy of the review on the project file.

If changes have occurred or modifications are required, the proponent shall apply the Addendum process provisions in B.4.

If the proponent does not identify changes in the review, the proponent may commence construction of the project.



## **B.5 RETENTION OF DOCUMENTS IN PROJECT FILES**

### **Retention of Documents in Project Files**

Proponents shall maintain a project file for any project proceeding under the Environmental Screening Process. Proponents shall include the following documents in the project file, where such documents are prepared for that project:

- Environmental Screening Report;
- Addendum;
- Related Notices of Commencement, Notices of Completion and Statements of Completion;
- Any decision letters from the Minister on elevation requests;
- Any letters from the Director or Minister to require further study and the proponent's response to the further study requests.
- Documentation of any commitments the proponent made to address concerns after an Environmental Screening Report or Addendum was prepared; and
- Technical reports and other supporting information and copies of all correspondence related to the Environmental Screening Process.

The proponent shall keep one copy of the project file on site for the life of the project. The proponent shall make an additional copy of the project file available at a municipal office or other suitable repository in the locality of the project. The proponent shall ensure that the project file remains available at that location for a period of 5 years from the time the Statement of Completion was issued.

The proponent shall make documents in the project file available for inspection by any interested person, government agency or Indigenous communities. Upon request, a proponent shall provide the Ministry with a copy of materials in the project file.

## **B.6 MINISTRY MONITORING**

### **B.6.1 Monitoring Implementation of the Environmental Screening Process**

The Environmental Assessment Branch of the Ministry of the Environment, Conservation and Parks will keep a record of information on the types of projects which follow the requirements of the Environmental Screening Process. The Branch will also keep a record of the elevation requests submitted to the ministry and other comments related to the implementation and

administration of the Environmental Screening Process. A public record will be established and maintained by the ministry for all projects for which elevation requests have been received. Monitoring implementation will help the Branch to identify any modifications or improvements that may need to be made to the Environmental Screening Process.

**Note: Schedules I and II which follow are part of the Environmental Screening Process. The appendices are provided for information purposes only.**

## Schedule I – Screening Criteria Checklist

Projects that are subject to the Ministry of the Environment, Conservation and Parks' Environmental Screening Process for Waste management projects, or projects that are undergoing the Addendum process, must commence with a "Screening". As part of the Screening every proponent must apply screening criteria, found in the checklist below, to the project in order to identify if the project has any potential environmental effects. The screening criteria are presented in the form of a checklist with the option of a "Yes" or "No" response. Mitigation measures are not to be considered in concluding whether there is "No" potential environmental effect. That is, the proponent is required to answer "Yes" even if the proponent believes that a potential environmental effect could likely be mitigated. The reason for requiring a "Yes" is to ensure that mitigation plans are open to discussion and review. Another reason for this approach is that further discussion and review of a potential effect may reveal that there is no actual effect, in which case no mitigation is required.

Each criterion is based on a question which is prefaced with the phrase:

***Might the project....***

Criterion		Yes	No	Additional Information
<b>1. Surface and Ground Water</b>				
1.1	cause negative effects on surface water quality, quantities or flow?			
1.2	cause negative effects on ground water quality, quantity or movement?			
1.3	cause significant sedimentation or soil erosion or shoreline or riverbank erosion on or off site?			
1.4	cause negative effects on surface or ground water from accidental spills or releases (e.g., leachate) to the environment?			
<b>2. Land</b>				
2.1	cause negative effects on residential, commercial, institutional or other sensitive land uses within 500 metres from the site boundary?			
2.2	not be consistent with the Provincial Policy Statement, provincial land use or resource management plans?			
2.3	be inconsistent with municipal land use policies, plans and zoning bylaws (including municipal setbacks)?			
2.4	use lands not zoned as industrial, heavy industrial or waste disposal?			
2.5	use hazard lands or unstable lands subject to erosion?			
2.6	cause negative effects related to the remediation of contaminated land?			

Criterion		Yes	No	Additional Information
<b>3. Air and Noise</b>				
3.1	cause negative effects on air quality due to emissions (for parameters such as temperature, thermal treatment exhaust flue gas volume, nitrogen dioxide, sulphur dioxide, residual oxygen, opacity, hydrogen chloride, suspended particulates, or other contaminants)?			
3.2	cause negative effects from the emission of greenhouse gases (e.g., carbon dioxide, carbon monoxide, methane)?			
3.3	cause negative effects from the emission of dust or odour?			
3.4	cause negative effects from the emission of noise?			
3.5	cause light pollution from trucks or other operational activities at the site?			
<b>4. Natural Environment</b>				
4.1	cause negative effects on rare (vulnerable), threatened or endangered species of flora or fauna or their habitat?			
4.2	cause negative effects on protected natural areas such as, ANSIs, ESAs or other significant natural areas?			
4.3	cause negative effects on designated wetlands?			
4.4	cause negative effects on wildlife habitat, populations, corridors or movement?			
4.5	cause negative effects on fish or their habitat, spawning, movement or environmental conditions (e.g., water temperature, turbidity, etc.)?			
4.6	cause negative effects on locally important or valued ecosystems or vegetation?			
4.7	increase bird hazards within the area that could impact surrounding land uses (e.g., airports)?			
<b>5. Resources</b>				
5.1	result in practices inconsistent with waste studies and/or waste diversion targets (e.g., result in final disposal of materials subject to diversion programs)?			
5.2	result in generation of energy that cannot be captured and utilized?			
5.3	result in the generation of a fuel that cannot be utilized?			
5.4	result in recovered materials that have no demonstrated market demand?			
5.5	be located a distance from required infrastructure (such as availability to customers, markets and other factors)?			
5.6	cause negative effects on the use of Canada Land Inventory Class 1-3, specialty crop or locally significant agricultural lands?			
5.7	cause negative effects on existing agricultural production?			
<b>6. Socio-economic</b>				
6.1	cause negative effects on neighbourhood or community character?			
6.2	result in aesthetics impacts (e.g., visual and litter impacts)?			

Criterion		Yes	No	Additional Information
6.3	cause negative effects on local businesses, institutions or public facilities?			
6.4	cause negative effects on recreation, cottaging or tourism?			
6.5	cause negative effects related to increases in the demands on community services and infrastructure?			
6.6	cause negative effects on the economic base of a municipality or community?			
6.7	cause negative effects on local employment and labour supply?			
6.8	cause negative effects related to traffic?			
6.9	be located within 8 km of an aerodrome/airport reference point?			
6.10	interfere with flight paths due to the construction of facilities with height (i.e., stacks)?			
6.11	cause negative effects on public health and safety?			
<b>7. Heritage and Culture</b>				
7.1	cause negative effects on heritage buildings, structures or sites, archaeological sites or areas of archaeological importance, or cultural heritage landscapes?			
7.2	cause negative effects on scenic or aesthetically pleasing landscapes or views?			
<b>8. Indigenous</b>				
8.1	cause negative effects on Indigenous communities?			
<b>9. Other</b>				
9.1	result in the creation of non-hazardous waste materials requiring disposal?			
9.2	result in the creation of hazardous waste materials requiring disposal?			
9.3	cause any other negative environmental effects not covered by the criteria outlined above?			

If a response to a question indicates “Yes”, there is potential for negative environmental effects, the proponent must provide additional information and analysis in the Environmental Screening Report to describe those effects, identify impact management measures (including mitigation measures) to prevent or reduce the effects, and assess the significance of any net effects.

The proponent has the opportunity to revisit the checklist and to make adjustments based on the results of studies. This may mean the addition of “Yes” responses to the checklist.

## Schedule II – Statement of Completion

The Statement of Completion can be downloaded from the Central Forms Repository at:  
<https://forms.mgcs.gov.on.ca/en/dataset/012-2103>

	<b>Statement of</b> Completion						
<table border="1" style="border-collapse: collapse; width: 100%;"> <tr> <th colspan="3" style="text-align: left; padding: 2px;">For Office Use</th> </tr> <tr> <td style="width: 60%; padding: 2px;">Reference Number</td> <td style="width: 20%; padding: 2px;">Date (y/m/d)</td> <td style="width: 20%; padding: 2px;">Initials</td> </tr> </table>		For Office Use			Reference Number	Date (y/m/d)	Initials
For Office Use							
Reference Number	Date (y/m/d)	Initials					

<u>General Information and Instructions</u>	
<b>General:</b>	The information provided on this form is collected under authority of the Ministry of the Environment, Conservation and Parks' Environmental Screening Process for Waste management projects.
<b>Instructions:</b>	1. Questions regarding the completion and submission of this form should be directed to Client Services at the Environmental Assessment Branch (416-314-8001 or 1-800-461-6290). 2. Please send the completed form to: <div style="margin-left: 20px;">                     Ministry of the Environment, Conservation and Parks,                      Minister, College Park, 5<sup>th</sup> Floor, 777 Bay St., Toronto, ON M7A 2J3                      Director, Environmental Assessment Branch                      135 St Clair Ave W, Toronto, ON M4V 1P5                 </div>

**Proponent Information**

Proponent Name (legal name of individual or organization):												
Contact Name:												
Proponent Type: <table style="width: 100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Corporation</td> <td><input type="checkbox"/> Individual</td> <td><input type="checkbox"/> Partnership</td> <td><input type="checkbox"/> Sole Proprietor</td> </tr> <tr> <td><input type="checkbox"/> Municipal Government</td> <td><input type="checkbox"/> Federal Government</td> <td><input type="checkbox"/> Provincial Government</td> <td></td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Other (describe):</td> </tr> </table>	<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Municipal Government	<input type="checkbox"/> Federal Government	<input type="checkbox"/> Provincial Government		<input type="checkbox"/> Other (describe):			
<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Sole Proprietor									
<input type="checkbox"/> Municipal Government	<input type="checkbox"/> Federal Government	<input type="checkbox"/> Provincial Government										
<input type="checkbox"/> Other (describe):												

**Proponent Mailing Address -Complete A, C & D or B, C & D**

A. Civic Address- Street information (applies to an address that has civic numbering and street information includes street number, name, type and direction)		Unit Identifier (identifies type of unit, such as suite & number)				
B. Delivery Designator: <table style="margin-left: 20px;"> <tr> <td><input type="checkbox"/> Rural Route</td> <td><input type="checkbox"/> Suburban Service</td> <td><input type="checkbox"/> Mobile Route</td> <td><input type="checkbox"/> General Delivery</td> </tr> </table>		<input type="checkbox"/> Rural Route	<input type="checkbox"/> Suburban Service	<input type="checkbox"/> Mobile Route	<input type="checkbox"/> General Delivery	Delivery Identifier (a number identifying a Rural Route, Suburban Service or Mobile Route delivery mode)
<input type="checkbox"/> Rural Route	<input type="checkbox"/> Suburban Service	<input type="checkbox"/> Mobile Route	<input type="checkbox"/> General Delivery			
C. Municipality/Unorganized Township	County/District	Province/State	Country	Postal Code		
D. Telephone Number (including area code & extension)		Fax Number (including area code)	E-mail Address			

**Site Address Complete A or B and the remainder of the section.**

A. Site Address - Street information (applies to an address that has civic numbering and street information - includes street number, name, type and direction)	Unit Identifier (identifies type of unit, such as suite & number)
B. Survey Address (used for a rural location specified for a subdivided township, an unsubdivided township or unsurveyed territory) NOTE: Do not complete "B" if you completed "A."	

Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.	Lot   Conc.	Part and Reference: used to indicate location within an unsubdivided township or unsurveyed territory and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.	Part   Reference Plan		
Non Address Information (includes any additional information to clarify clients' physical site location)					
Geo Reference Map Datum	Zone	Accuracy Estimate	Geo Referencing Method	UTM Easting	UTM Northing
Municipality/Unorganized Township		County/District		Postal Code	

**Project Information**

Project Name	
Size of Project (Landfill or Dump=total waste disposal volume in m <sup>3</sup> or Thermal treatment=maximum amount of waste subject to thermal treatment per day in tonnes/day)	
Facility Type Thermal treatment with energy-from-waste <input type="checkbox"/> Thermal treatment with recovery of materials <input type="checkbox"/> Dump <input type="checkbox"/> Thermal treatment without Energy-from-waste <input type="checkbox"/> Landfill <input type="checkbox"/>	
Project Activity (select appropriate activity) <input type="checkbox"/> Establish <input type="checkbox"/> Change	
Type(s) of Waste Accepted at Facility <input type="checkbox"/> municipal solid waste (domestic) <input type="checkbox"/> I C & I <input type="checkbox"/> hazardous waste <input type="checkbox"/> liquid industrial waste <input type="checkbox"/> Other (describe):	
Brief Project Description ..... ..... ..... .....	
Was an Environmental Screening Report prepared?    Yes <input type="checkbox"/> No <input type="checkbox"/>	Was an Addendum prepared?    Yes <input type="checkbox"/> No <input type="checkbox"/>

**Availability of Documentation** (proponents are required to retain, either on site or in another location where they will be readily available, any Environmental Screening Report, Addendum, and related notices and Statements of Completion prepared under the Environmental Screening Process, as well as documentation of any commitments made by the proponent to address concerns after one of the above-noted reports was prepared) Complete **A** or **B** and the remainder of section.

A. Site Address - Street information (applies to an address that has civic numbering and street information - includes street number, name, type and direction)	<input type="checkbox"/> Same as Site Address	Unit Identifier (identifies type of unit, such as suite & number)			
B. Survey Address (used for a rural location specified for a subdivided township, an unsubdivided township or unsurveyed territory) NOTE: Do not complete "B" if you completed "A."					
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.	Lot   Conc.	Part and Reference: used to indicate location within an unsubdivided township or unsurveyed territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.	Part   Reference Plan		
Non Address Information (includes any additional information to clarify clients' physical location)					
Municipality/Unorganized Township		County/District		Postal Code	
Contact Name for information about project documentation			Telephone Number for information about project documentation (including area code & extension)		
Website containing project documentation (if applicable)					

**Elevation Requests**

Were any Elevation Requests Received?    Yes <input type="checkbox"/> No <input type="checkbox"/> If <b>Yes</b> , how were they resolved?

**Statement of Proponent**

I, the undersigned hereby declare that, to the best of my knowledge, the information contained in this statement is complete and accurate in every way, and I have complied with the <i>Environmental Screening Process</i> established under the <i>Environmental Assessment Act</i> of Ontario in the environmental review of the above-noted project.	
Name (please print)	Title
Signature	Date (y/m/d)

**Appendix A: Ministry of the Environment, Conservation and Parks Offices**

**Environmental Assessment Branch**

Ministry of the Environment, Conservation and Parks  
135 St Clair Ave W, Toronto, ON M4V 1P5 Telephone: (416) 314-8001  
Toll Free: 1-800-461-6290  
Fax: (416) 314-8452  
E-mail: [enviopermissions@ontario.ca](mailto:enviopermissions@ontario.ca)  
Website: <https://www.ontario.ca/page/environmental-assessments>

In order to deliver its programs to Ontario residents, the ministry has divided the province into five regions – Central, Eastern, Northern, Southwestern and West Central. Regional Coordinators are located at the regional offices.

**Central Region**

Ministry of the Environment, Conservation and Parks  
Central Region Office  
5775 Yonge Street, 8<sup>th</sup> Floor  
North York, ON M2M 4J1  
Telephone: (416) 326-6700  
Toll Free: 1-800-810-8048  
Fax: (416) 325-6345

**Southwestern Region**

Ministry of the Environment, Conservation and Parks  
London Regional Office  
733 Exeter Rd, London, ON N6E 1L3  
Telephone: (519) 873-5000  
Toll Free: 1-800-265-7672  
Fax: (519) 873-5020

**Eastern Region**

Ministry of the Environment, Conservation and Parks  
Kingston Regional Office  
1259 Gardiners Road, Unit 3  
P.O. Box 22032  
Kingston, ON K7M 8S5

**West Central Region**

Ministry of the Environment, Conservation and Parks  
Hamilton Regional Office  
12<sup>th</sup> Floor, 119 King Street West  
Hamilton, ON L8P 4Y7  
Telephone: (905) 521-7640



Telephone: (613) 549-4000  
Fax: (613) 548-6908

Toll Free: 1-800-668-4557  
Fax: (905) 521-7820

**Northern Region**

Ministry of the Environment, Conservation and Parks

Thunder Bay Regional Office

3<sup>rd</sup> Floor, Suite 331,

435 James Street South

Thunder Bay, ON P7E 6S7

Telephone: (807) 475-1205

Toll Free: 1-800-875-7772 – within area codes 807 and 705

Fax: (807) 475-1754

## **Appendix B: Local, Provincial and Federal Agencies**

### **Local**

Single, upper and lower tier municipalities  
Municipal and Regional Departments (e.g., planning, public works, public health, emergency services)  
Conservation Authorities  
Planning Boards  
School Boards  
Utilities (e.g., gas, telephone, cable)  
Local Architectural Conservation Advisory Committees

### **Provincial Agencies and Ministries**

Indigenous Affairs Ontario (IAO)  
Ministry of Agriculture, Food and Rural Affairs (OMAFRA)  
Ministry of Children, Community and Social Services (MCCSS)  
Ministry of Citizenship and Multiculturalism (MCM)  
Ministry of Energy (ENE)  
Ministry of the Environment, Conservation and Parks (MECP)  
Ministry of Government and Consumer Services (MGCS)  
Ministry of Health Ministry of Long-Term Care  
Ministry of Municipal Affairs and Housing (MMAH)  
Ministry of Natural Resources and Forestry (MNRF)  
Ministry of Northern Development (MND)  
Ministry of Heritage, Sport, Tourism (MOT)  
Ministry of Tourism, Culture and Sport (MTCS)  
Ministry of Transportation (MTO)

Ontario Energy Board (OEB)  
Niagara Escarpment Commission

### **Federal Agencies**

Impact Assessment Agency of Canada Fisheries and Oceans Canada (DFO)  
Transport Canada  
Health Canada  
Environment and Climate Change Canada Crown-Indigenous Relations and Northern Affairs Canada - Specific Claims Branch  
Crown-Indigenous Relations and Northern Affairs Canada - Litigation Management and Resolution Branch  
Crown-Indigenous Relations and Northern Affairs Canada - Comprehensive Claims Branch  
Canadian Energy Regulator  
CN Rail  
Any other potential federal funding agencies

## **Appendix C: Other Environmental Legislation**

It is the responsibility of the proponent to ensure that all regulatory requirements for waste management projects are met. The information provided regarding the various legislation is given for information purposes only and to acknowledge other regulatory requirements that may apply to the project and be considered in conjunction with the Environmental Screening Process.

### **Provincial Legislation:**

#### ***Clean Water Act***

The *Clean Water Act, 2006* was introduced on December 5, 2005, and received Royal Assent on October 19, 2006. The Act will ensure that communities are able to identify potential risks to their supplies of drinking water, and take action to reduce or eliminate these risks. Municipalities, conservation authorities, landowners, farmers, industry, community groups and interested persons will all work together to meet common goals.

#### ***Environmental Protection Act***

The *Environmental Protection Act* (EPA) prohibits the discharge of contaminants into the natural environment that will or are likely to have an adverse effect. Any specified undertaking which involves discharging a contaminant into the air (including noise and vibration) or waste management/disposal will require a certificate of approval from the Ministry of the Environment, Conservation and Parks under the *Environmental Protection Act*.

#### ***Greenbelt Act and Greenbelt Plan***

The *Greenbelt Act, 2005* provides the authority for the creation of the Greenbelt Area (O Reg. 59/05) and the establishment of the Greenbelt Plan. The Greenbelt Plan contains policies for providing permanent agricultural and environmental protection as well as providing for a wide range of recreation, tourism and cultural opportunities in the area. The Greenbelt area includes the 800,000 acres of land protected by the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan, and 1 million newly protected acres known as the Protected Countryside. The *Greenbelt Act, 2005* also requires planning decisions to conform to the Greenbelt Plan.

#### ***Ontario Heritage Act***

The *Environmental Assessment Act* defines environment in a broad sense that includes natural, social, cultural, economic and built environment. This broad definition of the environment makes the assessment of the impact of the undertaking on cultural heritage resources as part of the standard environmental assessment process in Ontario. The Minister of Tourism, Culture and Sport is responsible for the administration of the *Ontario Heritage Act* and is responsible for determining policies, priorities and programs for the conservation, protection and preservation of Ontario's heritage, which includes cultural heritage landscapes, built heritage and archaeological resources. Furthermore, under the *Ontario Heritage Act*, the Minister of Tourism, Culture and

Sport is responsible for licensing archaeologists conducting archaeological fieldwork, under the *Planning Act* and the *Environmental Assessment Act*.

### ***Ontario Water Resources Act***

The *Ontario Water Resources Act* (OWRA) regulates the taking of water from ground or surface water sources as well as the treatment and disposal of sewage, and requires proponents to obtain approval from the Ministry of the Environment, Conservation and Parks. Approval may consist of a certificate of approval and/or a permit-to-take-water, depending on the proposed undertaking.

### ***Planning Act***

The *Planning Act* regulates land use planning in the Province of Ontario and is administered by the Ministry of Municipal Affairs and Housing and municipal governments. Projects which are subject to the Environmental Screening Process may also require approval under the *Planning Act*, such as an amendment to a municipal official plan, a change in zoning, and/or a minor variance to a zoning by-law. The *Planning Act* requires public consultation for these land use applications. Proponents should contact the local municipal government to enquire if any land use approvals are required for their proposed undertaking and involve them early in the planning process.

### ***Oak Ridges Moraine Conservation Act (O. Reg. 140/02)***

The *Oak Ridges Moraine Conservation Act, 2001* and the Oak Ridges Moraine Conservation Plan, a regulation made under the Act, restrict development on the Oak Ridges Moraine Conservation Area, as defined by Ontario Regulation 01/02, and shown on the Oak Ridges Moraine Conservation Plan Land Use Designation Map. The land use restrictions described by the Oak Ridges Moraine Conservation Plan are also to be incorporated into the official plans of the prescribed municipalities. The *Oak Ridges Moraine Conservation Act, 2001* also requires planning decisions to conform to the Oak Ridges Moraine Conservation Plan.

### ***Lakes and Rivers Improvement Act***

The *Lakes and Rivers Improvement Act (LRIA)* regulates the construction, repair and use of a dam on any lake or river, including the diversions of streams, and is administered by the Ministry of Natural Resources and Forestry (MNRF). “Dam”, “lake” and “river” are very broadly defined in the *LRIA*. Construction, alteration, improvement and repair of a dam in circumstances set out in the regulations require approval from MNRF.

### ***Public Lands Act***

Waste management projects may be subject to the *Public Lands Act* administered by the Ministry of Natural Resources and Forestry (MNRF). The "rules" governing the administration of Crown land are laid out in the *Public Lands Act*. In this statute, the term "public land" means Crown land. Section 2 of the *Public Lands Act* grants the Minister of Natural Resources and Forestry the authority to manage, sell, and dispose of public lands.

## ***Safe Drinking Water Act***

The *Safe Drinking Water Act* (SDWA) provides for the protection of human health through the control and regulation of drinking water systems and drinking water testing. The Act regulates drinking water testing laboratories, operator certification, and the reporting of adverse drinking water results. The Ministry of the Environment, Conservation and Parks administers the Act.

### **Federal Legislation:**

## ***Impact Assessment Act***

Waste management projects may also be subject to the requirements of the *Impact Assessment Act*. The Physical Activities Regulation identifies types of projects that may require an impact assessment under the *Impact Assessment Act*. When the physical activity associated with the carrying out of a proponent's project is described in Physical Activities Regulations the proponent must provide the Agency with an Initial Project Description.

Link to the Physical Activities Regulation: <https://laws.justice.gc.ca/eng/regulations/SOR-2019-285/index.html>

For more information on the projects subject to the federal impact assessment process, please refer to the legislation and associated regulations. For information on the federal impact assessment process, as well as available guidance materials, please visit the Impact Assessment Agency of Canada's website at: <https://www.canada.ca/en/impact-assessment-agency.html>

Details on the requirements and implementation of the *Impact Assessment Act* can also be obtained from:

Ontario Office  
Impact Assessment Agency of Canada  
55 York Street, 6th Floor  
Toronto, ON M5J 1R7  
Tel.: 416-952-1576  
Fax: 416-952-1573  
Email: [ontarioregion-regiondontario@iaac-aeic.gc.ca](mailto:ontarioregion-regiondontario@iaac-aeic.gc.ca)

## Appendix D: Thermal Treatment Sites

### 1. Classes of Thermal Treatment Sites in Regulation 101/07

#### Class A thermal treatment site

These are thermal treatment sites that use coal, oil or petroleum coke as the fuel source for thermal treatment of waste. Except for a few situations, a proponent seeking to establish a Class A site will be required to undertake an Individual Environmental Assessment (i.e., seek an approval under Part II of the Act) regardless of the amount of waste being thermally treated.

#### Class B thermal treatment site

These are thermal treatment sites where the fuel source for thermal treatment of the waste is not coal, oil or petroleum coke. A Class B site is defined as one that does not have the principal purpose of recovery of materials, and all of the energy generated by thermal treatment is used on-site to dispose of waste. Establishing a Class B site is subject to the Environmental Screening Process if it thermally treats 10 or fewer tonnes of waste per day. An Individual Environmental Assessment is required (i.e., a requirement to obtain an EA approval) if greater than 10 tonnes per day is thermally treated. There are a few exceptions to this that are set out in the regulation.

#### Class C thermal treatment site

These are thermal treatment sites where the fuel source for thermal treatment of the waste is not coal, oil or petroleum coke. There is a possibility for this type of site to generate energy alone, or energy and a recovered material (i.e., material that meets the criteria in section 1(3)). The descriptions of the two types of Class C sites are:

- A site where thermal treatment is used for the principal purpose of recovering material that meets the criteria in subsection 1(3)) where some or all of the energy generated by thermal treatment is used off-site
- A site where the principal use of thermal treatment is not the recovery of material (i.e., material that meets the criteria in subsection 1(3)) and the energy generated by the thermal treatment is used on-site for a purpose other than disposal of waste (e.g., other than to fuel the thermal treatment) or is used off-site.

Establishing a Class C site is subject to the Environmental Screening Process, regardless of the amount of waste to be treated per day, except for the situations where the site is unconditionally exempt.

Prior to the amendments which took effect on July 1, 2022, EA requirements for establishing or changing a thermal treatment site which generates fuel were the same as establishing or changing a thermal treatment site which generates energy. With the amendments to the Waste Management Projects Regulation which took effect on July 1, 2022, fuel that meets the specified criteria (set in 1 (3)), generated from a thermal treatment site is treated as a recovered material

and the EA requirements for establishing or changing a thermal treatment site which generates fuel are therefore the same as establishing or changing a thermal treatment site which generates other recovered material.

### **Class D thermal treatment site**

These are thermal treatment sites where the fuel source for thermal treatment is not coal, oil or petroleum coke. A Class D site uses thermal treatment for the principal purpose of advanced recycling (i.e., for the recovery of materials described in subsection 1 (3) of the Waste Management Projects Regulation).

A proponent proposing to establish a Class D site is required to undertake the applicable environmental assessment process, except for those sites that are not designated or are unconditionally exempt. The applicable environmental assessment process is based on the maximum amount of waste that may be thermally treated and the projected percentage of material recovered:

Projected annual recovery rate (as a percentage)	Environmental Assessment (EA) Process based on projected treated tonnes per day (TPD)			
	≤10 TPD	>10 - ≤100 TPD	>100 - ≤1000 TPD	>1000 TPD
<70% Recovery	Not a Designated Undertaking	Environmental Screening Process	Individual EA	Individual EA
≥70% Recovery	Not a Designated Undertaking	Not a Designated Undertaking	Environmental Screening Process	Individual EA

## **2. Application of Regulation to Anaerobic Digestion**

For the purposes of this guide, anaerobic digestion has the same definition as in Ontario Regulation 267/03: General under the Nutrient Management Act, 2002: *Anaerobic digestion is the decomposition of organic matter by bacteria in an oxygen-limiting environment.* Anaerobic digestion can be used to process a variety of waste and non-waste sources (e.g., crops grown to generate energy). Anaerobic digesters are not considered to be thermal treatment and would not be subject to the thermal treatment provisions in Regulation 101/07.

If a proponent has any questions regarding the establishment of a site with anaerobic digestion of waste, please contact the Environmental Assessment and Permissions Branch of the Ministry of the Environment, Conservation and Parks.

## **3. Recovered Material**

The Waste Management Projects Regulation sets out the criteria that must be met in order for material that is recovered from thermal treatment (output material) to be considered “recovered material”, in the context of being a site where thermal treatment is used for the primary purpose of recovering material (subsection 1 (3) of the Regulation).

There are two criteria that must be met:

1. The first criterion is that there must be a **demonstrated market demand** for the material. Market demand is satisfied when a proponent demonstrates that the recovered material from an advanced recycling site can be viably used by the receiver. Reliable end markets support positive waste management outcomes through a steady and stable demand for a recovered material.

The proponent can analyze the strength and stability of the market prices to determine the reliability of the end market for the recovered material. A positive market value will indicate that an end market is available for the recovered material. The strength of the market value (i.e., a value that is sufficiently high) is key in determining the reliability of the market price, as well as the ability to maintain current operations and future investments in technologies/systems to enhance long-term outcomes. The proponent can review a multi-year history of the market prices to validate its stability. This data can be supplemented with examples of a similar material being successfully used to replace a virgin material.

A market demand can be also demonstrated by one or more potential receivers of the material providing a written statement that the receiver would accept the material and how the receiver proposes to use the material. The written statement could indicate that the recovered material will meet the parameters agreed to by both parties which ensures the recovered material is appropriate as a replacement for virgin feedstock. Storing output material in the hope of a future demand is not considered as meeting the criterion of demonstrating a market demand.

2. The second criterion relates to the **quality of the output**, namely that it can meet at least one of the following three criterion:
  - a. Meet a Standard – The regulation references ASTM standards, but the regulation also contemplates the proponent meeting another standard that is an equivalent standard. ISO or CSA may be equivalent standards. Output material may also meet a material specific standard, for example standards for chemicals, plastic monomers, fuels (liquid or gaseous), or other materials (e.g., carbon black). OR
  - b. Gaseous Emission – This type of output material can be: a “ready-to-use” gas (e.g., renewable natural gas, hydrogen) that meets a standard as stated above and can immediately replace an existing fuel (e.g., replacing natural gas when injected into a distribution pipeline). The other acceptable form of gaseous emission is a gas that can be upgraded that meets the requirements of a standard as mentioned in section (a) above. OR
  - c. A Feedstock – The feedstock does not have to meet a specific standard, but the receiver must meet any requirements to safely manage the output of a thermal treatment site.

It is the responsibility of a proponent completing the Environmental Screening Process to include documentation in the Environmental Screening Report demonstrating that the output material meets the criteria indicated above to qualify as recovered material. A proponent completing an Individual Environmental Assessment in respect of a Class D thermal treatment site will be expected to include documentation in the Environmental Assessment demonstrating that the output material meets the above criteria.



As noted in section A.4.3, information required for the environmental assessment process, including information about recovered material, may be used in obtaining other environmental approvals and permits.

#### 4. Calculating Recovery Rate

The regulation establishes the annual recovery rate for a Class D thermal treatment site as  $A/B \times 100$ . Where “A” is the mass of the output that meets the requirement of “recovered materials” and “B” is the total mass of the input to the thermal treatment process. The input mass must be calculated based on the projected mass to be thermally treated. The projected mass to be thermally treated would not include the mass of any moisture or contaminants that are removed in any “pre-processing” activity that occurs prior to thermal treatment. A site that accepts materials with higher moisture or contaminant content and subsequently thermally treats the materials may see its recovery rate calculation result in a lower percentage; whereas, a site that undertakes some form of pre-processing may see their recovery rate increase.

If the material recovered will be in a different state (i.e., gas, liquid, solid) than the material subject to thermal treatment, conversion factors will need to be used in the calculation of the recovery rate. A proponent completing the Environmental Screening Process is required to include in the Environmental Screening Report any conversion factors and documentation supporting the use of the conversion factor(s). A proponent completing an Individual Environmental Assessment in respect of a Class D thermal treatment site will be expected to include that documentation in the Environmental Assessment.

The Waste Management Projects Regulation establishes the recovery rate as that which is projected to be recovered under *normal operations*. This term is intended to convey operation after it the facility is in a steady state, namely at the capacity that the proponent projects when conducting its analysis to determine which, if any, environmental assessment is required under the regulation. There are no requirements for a proponent to seek a third-party audit of its projected recovery rate.

As noted in section A.4.3, information required in the environmental assessment process, including the projected recovery rate, may be used in the process of obtaining other environmental approvals and permits.