

November 10, 2020

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Client Services and Permissions Branch
Ministry of Environment, Conservation & Parks
135 St. Clair Avenue West
1st Floor
Toronto, ON M4V 1P5

Re: Proposed Project List for Comprehensive Environmental Assessments - ERO 019-2377

On behalf of the Ontario Waste Management Association (OWMA), I am pleased to provide comments regarding the proposed project list for comprehensive environmental assessments.

In principle, OWMA supports the approach to have only “designated projects” subject to comprehensive environmental assessments. This will ensure that only projects so designated as a Part II.2 project, conducted by any proponent (public or private sector), will be designated by the regulations as requiring a comprehensive environmental assessment.

As noted by OWMA’s previous May 21, 2019, submission (ERO 013-5102), the new project-list approach will enable focus on projects with medium to high risk of environmental impact, and is likely to reduce the overall amount of projects subject to environmental assessment.

For waste management sector projects that are clearly in the public interest, there is a need to update existing lists and tables for projects on the list. Appropriate consideration should be given to projects that meet reasonable size thresholds for being incorporated into a more streamlined process.

Currently, the ministry is proposing to maintain the existing thresholds for waste management projects that require a comprehensive environmental assessment, and specific exceptions or exemptions that are covered by O. Reg. 101/07, are also being incorporated into the proposed project list.

We recommend the following changes to the proposed project list:

Item 6 Landfill – Change 2nd trigger to:

- a change to a landfill that increases the total volume, if after the increase the total volume exceeds by more than 100,000m³ **or twenty-five (25%) percent (whichever is greater)** from the EPA authorized total volume.

Item 8 Thermal Treatment Site - Change 4th trigger to:

- a change that increases **by twenty-five (25%) percent or more** the amount of waste to thermally treated at the site on any day from the amount authorized under the EPA.



Our recommended changes to the proposed project list are in the public interest, and reflect the varying scale of landfill and thermal treatment site expansion projects. Relatively small expansions of an existing site present a very low risk to the environment, and have a very low magnitude as to their overall impacts.

The introduction of percentage thresholds for expansions that would trigger a comprehensive environmental assessment better reflect the low risk of small expansions to large, existing sites. Small expansions of waste sites are generally accompanied by already well-understood knowledge of any potential impacts.

For example, a 100,000m³ expansion at a 2,000,000m³ site represents a much smaller relative change (5% increase) compared to 400,000m³ landfill site (a 25% increase). A threshold expressed as a percentage change in EPA total authorized volume, for example twenty-five percent at sites that are 400,000m³ or greater, would allow for smaller expansions at larger sites to be subject to the Streamlined Environmental Assessment provisions of the amended Environmental Assessment Act.

Similarly, for thermal treatment sites, the threshold for requiring a comprehensive environmental assessment should be an increase in the amount of waste that is a minimum percent (for example 25%) greater the amount authorized under the EPA, not merely any change in amount of waste (no matter how small).

We look forward to commenting further upon release of the draft regulations to enact these project lists. Also, while these amendments related to the Environmental Assessment Act (EAA) do not deal changes to the Terms of Reference ("ToR") process, the consultation documents released in connection with Bill 197 indicate that sectoral or standardized ToR are part of the government's plan for EAA reform. We remain supportive of a standardized ToR for the waste sector, and look forward to policy discussions on this matter.

Sincerely,



Mike Chopowick
Chief Executive Officer