Permitting EFW Facilities in Ontario

Certificates of Approval: Tips and Traps

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The Golder 5 Step Process

1. Identify what requires approval and determine what type of approval is required
2. Determine who you have to consult with and continue the consultation throughout the process
3. Use MOE accepted practices and processes to minimize review time and maximize flexibility
4. Determine the technical and documentation requirements – *keep in mind the tips and common pitfalls*
5. Produce high quality reports that reduce or eliminate the need for additional information requests
The Golder 5 Step Process: Step 1

- Identify what requires approval and determine what type of approval is required
  - Will your project trigger multiple approvals?
  - Opportunity to streamline the technical and documentation requirements
The Golder 5 Step Process: Step 2

- Determine who you have to consult with and continue the consultation throughout the process
  - EAAB
  - District Office
  - Conservation Authority
  - Local Municipality
  - First Nations
  - Stakeholders

- EBR gives the public the right to participate in environmentally significant decisions

- For those activities subject to the EBR, the public must be given notice (through the EBR Registry) of proposals for new policies, Acts, regulations and instruments (e.g., CofA)

- Part V (waste management) approvals are subject to a discretionary hearing
The Golder Process: Step 3

- Use MOE accepted practices and processes to minimize review time and maximize flexibility
  - ACME Examples
  - Accelerated Select Applications Process (ASAP)
  - Comprehensive CofAs
  - Best Practices
The ACME Project: Purpose and Goals

- A series of high-quality sample application packages
- Illustrate MOE expectations for demonstrating compliance and obtaining a CofA
- Provides clarification of existing MOE guidelines
- Improves consistency amongst reviewers

Goals

- To increase the quality, consistency, and completeness of incoming applications
- To improve the timeliness of reviews
Accelerated Select Applications Program

- An initiative to provide an expedited review process for high quality applications
  - Air & noise applications
  - Limited eligibility
- Applicants and technical contacts must provide additional assurances of quality
- E-submission of application form
Comprehensive CofAs

- Regular business
  - Over 600 Comprehensive CofAs for air & noise
- Has recently been expanded to waste disposal sites
  - First waste comprehensive CofA was issued in September 2008
- MOE has begun discussion on wastewater
Best Practices

- Promote understanding, consistency and environmental compliance
- A sub-group of practitioners has been working to develop Best Practice Documents regarding compliance with the air and noise regulations and guidelines in Ontario

Available on the A&WMA Ontario Section website:
http://www.awma.on.ca
Purpose of Best Practices
The Golder Process: Step 4

- Determine the technical and documentation requirements – *keep in mind the tips and common pitfalls*


- Understand what is required
  - Forms
  - Guidance documents
  - Procedure documents
  - Legislative requirements
The Golder Process: Step 5

- Produce high quality reports that reduce or eliminate the need for additional information requests
- Use the checklists
Summary for Success

- Understand the process
- Document meaningful communication
  - Pre-submission consultation with the EAAB / District Office
  - Anticipate public concerns and have appropriate local community involvement
- Follow the ACME examples and other published guidance
- Prepare complete and correct documentation
- Clearly demonstrate compliance
  - Submit all required technical reports
  - Consider beyond compliance issues
Waste Approvals
Waste Approvals: Understanding the Process

- Guide for Applying describes the requirements for Part V Approvals
- Describes the minimum information requirements that must be included with every application
  - Design & Operations Report
  - Financial Insurance
  - Consultation Report
  - Engineer’s Report (Comprehensive)
- May also require a s.9 and/or s.53 approval

**Detailed requirements available in the Guide for Applying:**
http://www.ene.gov.on.ca/envision/gp/4183e.pdf
Waste Approvals: Consultation Requirements

- Pre-submission consultation with the MOE District Office – they will assist in determining extent of public consultation needed
- Pre-submission consultation with the local municipality – resolutions of support
- Pre-submission consultation with First Nations
Waste Approvals: What examples can I follow?

- Waste Disposal and Management Approvals
- Sample Application Package for an amendment to a Certificate of Approval (waste disposal site) for an operating landfill site for the installation and operation of a landfill gas collection and control system
- Sample Application Package for a Comprehensive Waste Transfer and Processing Facility Certificate of Approval
- Sample Application Package for a Certificate of Approval (waste disposal site) for a composting facility
- Sample Application Package for a Certificate of Approval (waste disposal site) for a small municipal landfill site

In Progress - CofA (Waste Disposal Site) Sample Application Package for Anaerobic Digester Facility
Waste Approvals: Design & Operations (D&O)

- Function of the Site
- Site Location and Land Use
- Building Layout and Site Plan
- Truck Traffic
- Wastes Accepted at the Site
- Site Storage
- Fencing and Security
- Stormwater Management
- Air Discharges
- Decommissioning Plan
Waste Approvals: D&O cont’d

- Description of On-Site Operations (operating hours, days of operation)
- Waste Storage (quantities and locations)
- Material Balance and Process Schematic
- Facility Equipment and Maintenance
- Staff Training and Qualifications
- Waste Acceptance and Screening Procedure (origin and type of waste)
- Environmental Emergency Measures (spills, fire, explosion, power outage)
- Site Inspections and Nuisance Conditions (noise, dust, odour, litter, vermin)
- Complaint Procedure
- Record Keeping and Reporting
- Disruption of Shipment, Inability to Market Material
- Leachate/stormwater management and monitoring
- Contingency plans (what can go wrong and what you will do)

“Explain how the facility will operate when everything is going right”

“Explain what can go wrong and how you will deal with it”
Waste Approvals: Financial Assurance

- Include costs for:
  - Waste loading, hauling, disposal
  - Building and equipment cleanup
  - Contingency (15%)
  - Project management (15%)

- Provide written copies of quotes for services
- All on-site material is considered waste for the purpose of FA
- Can result in significant cost
Waste Approvals: Record of Consultation

- Include a record of public meetings
- Include copies of notification letter and names and addresses of owners and tenants that were sent the letter
Waste Approvals: Engineer’s Report

- Required for Comprehensive applications
- Prepared by a 3rd party P.Eng.
  - Must complete Comprehensive CofA orientation
  - Must be in good standing with the EAAB
- Sets out the outer envelope of operational flexibility
- Commits the company to meeting specific environmental standards
- Enhanced EBR Registry posting that clearly defines the operational flexibility
Waste Approvals: Tips for Success

- Follow MOE guidance and examples
- Take advantage of the Comprehensive CofA
- Words the MOE don’t like – “as appropriate”, “generally”, “typically”
- Be as specific as possible
- Demonstrate and document that you have thought through how the facility will operate
- Demonstrate that you have thought about what can go wrong, and how you will deal with it
Successful Applications

- Are Complete Applications
  - Follow requirements in the Guide to Applying

- Clearly Demonstrate Compliance
  - Contain all required technical reports
  - Consider beyond compliance issues

- Document Meaningful Communication
  - Pre-submission consultation with the district
  - Anticipate public concerns and have appropriate local community involvement