

## **Waste Projects Subject to the Environmental Assessment Act:**

Requirements for waste management projects under the Environmental Assessment Act are set out in Ontario Regulation 101/07: Waste Management Projects (O.Reg. 101/07). A companion guideline, Guide to Environmental Assessment Requirements for Waste Management Projects (MECP, March 15, 2007), has been developed to help interested Proponents and persons determine what environmental assessment requirements (if any) apply to a particular waste project.

Under O.Reg. 101/07, the Ministry of the Environment, Conservation and Parks has classified waste management projects based on the type of waste to be managed, the size, in some cases, the ability of the planned facility to recover energy from the waste and in the case of thermal treatment sites, the kind of fuel used in the treatment process, in relation to environmental assessment requirements.

There are three process streams that waste management projects could fall under.

The **first process stream** is for major projects with the potential for significant environmental effects, and generally includes the establishment or changes to thermal treatment sites using specific fuel types, large landfill sites and hazardous or liquid industrial waste management sites. These projects require the preparation of a Terms of Reference and an individual environmental assessment. Part II of O.Reg. 101/07 describes the waste management projects that are designated by the Regulation and thus subject to the *Environmental Assessment Act*.

The **second process stream** is for those projects which have predictable environmental effects that can be readily mitigated. Part III of the Regulation identifies the projects that are designated under the *Environmental Assessment Act* and then exempted from meeting these requirements provided that the proponent carries out the project in accordance with the Environmental Screening Process for Waste Management Projects. This is a proponent driven, self-assessment process.

The **third process stream** is for those projects that do not require approval under the *Environmental Assessment Act*, and are not designated as being subject to the requirements of the Act in the *Waste Management Projects Regulation*. Although projects in this category are not required to meet the *Environmental Assessment Act*, they are required to comply with any other applicable existing legislative requirements. The types of facilities in this process stream are those which are expected to have minimal environmental effects. Section 22 describes the projects that are exempted from the *Environmental Assessment Act*.

In accordance with subsection 11(1)4 of O. Reg. 101/07 the establishment of a new waste disposal site at which waste would be handled, treated or processed and that would transfer less than 1,000 tonnes of waste per day for final disposal does not trigger provincial environmental assessment requirements. These facilities are not designated by the Act.