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**Sections 27, 30, 31 & 32  
Environmental Protection Act  
R.S.O. 1990**

**GUIDE FOR APPLYING  
FOR  
APPROVAL OF  
WASTE DISPOSAL SITES**

**Version 2.1**

**CONTENTS OF THIS DOCUMENT ARE SUBJECT  
TO CHANGE WITHOUT NOTICE**

**PIBS 4183e**

*Protecting our environment.*



**Addendum:**

This document is updated regularly by the Ministry of the Environment (Ministry) to ensure that it provides accurate guidance relating to current policies, Acts, Regulations and application requirements. To obtain an updated copy of this document, please refer to the “publications” listed on the Ministry Internet site at [www.ene.gov.on.ca](http://www.ene.gov.on.ca), or contact the Environmental Assessment and Approvals Branch by telephone at 1-800-461-6290 (locally at 416-314-8001) or by e-mail at [EAABGen@ene.gov.on.ca](mailto:EAABGen@ene.gov.on.ca).

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## FOREWORD

The Ministry of the Environment's (Ministry) approvals program requires that all undertakings requiring approval under Ministry legislation are carried out in accordance with the Acts and applicable Regulations and Guidelines administered by the Ministry. These requirements are updated from time to time by the Ministry as environmental standards and environmental management approaches are modified.

As requirements are changed, the information needed to demonstrate compliance with them may also change. In recognition of this, the Ministry will update this document to reflect the most current requirements. All website addresses referred to in this document were current at the time of release.

While every effort has been made to ensure the accuracy of the information contained in this guide, it should not be construed as legal advice.

For any addenda or revisions to this guide please visit the Ministry website at:

<http://www.ene.gov.on.ca/envision/gp/index.htm>

or contact:

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## INTRODUCTION

### ***Purpose***

This document is intended to provide guidance to Applicants of waste disposal sites when requesting approval of those facilities listed under Section 27, Part V of the *Environmental Protection Act* (EPA), R.S.O. 1990, Chapter E-19. This document describes the approvals process in general, clarifies the information required by the respective application form and specifies the technical information that may be required in support of the application.

### ***Background***

The mandate of the Ministry is to ensure the protection, and where degraded, rehabilitation of the natural environment. This mandate also includes preservation of material resources for the enjoyment and benefit of present and future generations, both human and animal.

This mandate is sanctioned by several pieces of legislation in the Province of Ontario, which include the *Ontario Water Resources Act* (OWRA), the *Environmental Protection Act* (EPA), *Pesticides Act* (PA), the *Safe Drinking Water Act* (SDWA), the *Environmental Assessment Act* (EAA), the *Act Respecting Environmental Bill of Rights in Ontario* (EBR), and the recently proclaimed *Services Improvement Act* (SIA), together with numerous Regulations made under these Acts.

These Acts and regulations establish the authority and responsibility of the Ministry, the legal requirements for Applicants of various proposals, obligations of the owners of existing facilities and equipment with respect to their impact on public health and the environment, and the rights of residents of Ontario with respect to those proposals, facilities and equipment. These requirements and rights include the need to obtain approvals or permits prior to the implementation of proposals that may have the potential to impact public health and /or the environment, and includes the right of the residents of Ontario to be made aware of proposals in order that the public has the opportunity to comment on those proposals.

The statutory requirement for a Certificate of Approval (CofA) for a waste disposal site is contained in Section 27 of the EPA. Section 27 requires that approval be obtained from the Director before using, operating, establishing, altering, enlarging or extending a waste management system or a waste disposal site.

For guidance on how to apply for a CofA for a Waste Management System or how to apply for a CofA for a Waste Management System – Mobile Processing Equipment, please refer to the Ministry's documents entitled "Guide for Applying For Approval of Waste Management Systems (November 1999)", PIBS 4185e and Guide for Applying for Approval of Waste Management Systems Mobile Processing Equipment (March 2009)", PIBS 6992e respectfully.

## ***How to Use this Guide***

Applicants should be aware that, in addition to the approvals and permits required by this Ministry, other Ontario ministries and other levels of government (e.g. federal or municipal), may have approval or permit requirements. It must be emphasized that approval under one Act does not abrogate the requirement to obtain approval under other Acts or any other legislation. For example, in addition to approvals under the EAA and Part V of the EPA, the proposal may require approvals under Section 9 of the EPA for discharge of contaminants into the natural environment as well as under Section 53 of the OWRA for sewage works. The local District Office of the Ministry can help Applicants determine what approvals are required for the proposed site.

It is the Applicant's responsibility to be aware of and to understand all legal requirements of the EPA and other applicable legislation. Applicants should refer to the Acts and Regulations for a comprehensive review of those requirements. Similarly, for an in-depth understanding of the Ministry's guidelines and procedures, Applicants should refer to the Manual of Guidelines and Procedures.

## ***Reference Documents***

The Ministry has developed examples of high quality and complete application packages for various activities that are subject to the requirement to obtain a CofA, including applications for waste disposal sites. The sample application package includes the completed forms and all supporting documentation that is required for that specific type of application.

These examples have been developed as a means to establish a common expectation for the level of documentation that is required to demonstrate compliance in order to obtain a CofA. They have been developed for the benefit of Applicants to illustrate the approval requirements for a typical application. Additional technical information and documents may be required for a site-specific situation depending on the nature of the application that is to be submitted.

Example applications can be found at the Ministry website at [www.ene.gov.on.ca/en/business/cofa/ACMEsample.php](http://www.ene.gov.on.ca/en/business/cofa/ACMEsample.php).

Throughout this guide there are references to supporting documentation, either Ministry publications or pieces of legislation, which Applicants are encouraged to review. To obtain supporting documentation published by the Ministry, please refer to the publications section on the Ministry Internet site at [www.ene.gov.on.ca](http://www.ene.gov.on.ca) or contact the Environmental Assessment and Approvals Branch by telephone at 1-800-461-6290 (locally at 416-314-8001) or by e-mail at [EAABGen@ene.gov.on.ca](mailto:EAABGen@ene.gov.on.ca). To access legislation please refer to Service Ontario's e-Laws site at [www.e-laws.gov.on.ca/index.html](http://www.e-laws.gov.on.ca/index.html), contact Service Ontario by telephone at 1-800-668-9938 (locally at 416-326-5300) or by e-mail at [e-laws@ontario.ca](mailto:e-laws@ontario.ca).

## **PART 1 – WASTE APPROVAL PROCESS**

### **1.1. *Penalty for False Information***

Applicants are reminded that it is an offence under Section 184 of the EPA to knowingly give false information to the Ministry in respect to matters under the Act or Regulations. Penalties for this and other violations could result in fines of up to \$4,000,000 for the first conviction and up to \$6,000,000 for each subsequent conviction where the offence is committed by an individual, and \$6,000,000 and \$10,000,000 respectively where the offence is committed by a corporation.

### **1.2. *Application Preparation***

The Applicant is responsible for preparing a complete application in order to obtain approval under Section 27 of the EPA. The work to be completed in this stage is independent of the Ministry process and timing will be highly variable based on the available resources and background information available to the Applicant.

#### **1.2.1. *Pre-Application Consultation***

Pre-application consultation is a dialogue between the Applicant, the Ministry, and possibly other stakeholders prior to the submission of an application for a CofA. Pre-application consultation is meant to assist Applicants in defining the environmental objectives for the project, establishing general acceptability of the proposal, identifying any special approval related requirements and determining the need for public consultation/notification.

##### **1.2.1.1. *Consultation with the MOE***

Where pre-application consultation is required or desired, it should be initiated by contacting the local District Office of the Ministry. The District Office may call upon or direct the Applicant to other offices, branches or sections of the Ministry which may play a role in the approval process. To find the appropriate local Ministry District Office, please refer to the Ministry website or use this link [www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist](http://www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist).

In the pre-application consultation with the Ministry, the proponent should be prepared to discuss the nature of the proposal, and to identify in general the proposed waste disposal facility type, location, design and the EBR and EAA requirements, if applicable. The Ministry will: assist the proponent in identifying all provincial environmental legislation, policies, objectives, guidelines and procedures applicable to the project; provide information on the EBR requirements; provide guidance regarding public consultation, including the identification of potential sensitive stakeholders, how far reaching the neighbour notification should be, and the need for public meetings, open houses etc; and discuss with the proponent the need for, and the scope and specifics of, the various types of information and

documentation which may be required to be submitted with the application (e.g. scope of the required environmental impact analysis).

As a result of pre-application consultation, Applicants will be better prepared to develop the environmental objectives (including public health) for the project, with a clear understanding of the Ministry's requirements. The Applicant will also be better able to design the facility to meet these objectives and will therefore submit a more complete application.

### **1.2.1.2. Consultation with Local Municipality**

The Applicant should meet with the municipality and resolve municipal issues prior to submitting an application. This includes confirming with the municipality that the zoning in place is consistent with the proposed use of the land.

As part of the review process, municipalities are asked to provide comments to the Ministry regarding the application. Consultation with the municipality prior to the submission of the application will work to ensure that issues contentious to the municipality have been resolved prior to Ministry review. Applications for Comprehensive Certificate of Approval for a waste disposal site include a mandatory municipal consultation component. Please refer to Section 4 of this guide for additional details.

Applications with inadequate zoning will be considered incomplete and the application will be returned, minus the administrative processing fees.

The Applicant must provide a copy of the complete application package to the municipality and the Ministry District Office at the time of submission.

### **1.2.1.3. Public Notification / Consultation**

The Applicant must send a letter to all of the owners and tenants of adjacent properties (including vacant properties). The letter must inform the recipients of the details of the proposed operation and request that concerns and/or objections be addressed to the Director, Waste Unit, Environmental Assessment and Approvals Branch, and that these concerns and/or objections must reach the Director within fifteen (15) days of their receipt of the letter. The Applicant must provide to the Director, as part of the application for a waste processing site, a copy of the letter and the names and addresses of all the adjacent landowners and tenants to whom the letter was sent.

In addition to the requirement to notify adjacent neighbours, Applicants must carry out additional public notification in accordance with the requirements of the EBR. The majority of applications for waste disposal sites are considered to be "Class II Proposals" under the tenets of the EBR. The exceptions to this are those applications that require a public hearing to be held. The EBR also includes provisions for a proposal for a waste disposal site being excepted from the requirement for public participation. Please refer to the Ministry guide "The Requirements of the Environmental Bill of Rights for Prescribed Instruments"

(November 1994), PIBS 3323e for additional details regarding the applicability of the EBR to a specific waste disposal site application.

Class II Proposals must be posted for a minimum of 30-days on the Environmental Registry and must include at least one of the following additional forms of public consultation.

- News release;
- Notice through news media;
- Door to door flyers;
- Signs;
- Mailings to the public;
- Notice to community leaders and political representatives;
- Notice to community organizations;
- Notice on the EBR, additional to the minimum 30 days; or
- Any other means of notice that would facilitate more informed public participation in the decision-making process.

The specific requirements for public participation are determined by the details of the proposed facility, including but not limited to: proposed facility operation, site location, and surrounding community and stakeholder interests. Applicants should consult with their local District Office of the Ministry to determine what level of stakeholder/community consultation will be required for their proposed facility, and to determine whether the notification letters to the adjacent property owners as described above are appropriate for the proposed facility, or whether additional forms of public notice are required.

It is expected that the Applicant carry out the public notification / stakeholder consultation prior to the submission of the application and that stakeholder concerns expressed through the process are addressed (as appropriate) in the application. The formal notification of adjacent land owners that must be undertaken at the time of the application, and the posting of the proposal on the EBR Environmental Registry are the only exceptions to the above requirement.

The Ministry may advise an Applicant at any time during the review process to carry out additional public consultation for reasons that include environmental significance, complexity of the proposal, public interest and to provide time for the public to make informed comments.

It is important to note that the onus for completing adequate public consultation/notification is on the Applicant and not the Ministry.

Please refer to Section 2 of this guide for additional details regarding the EBR requirements.

### **1.2.2. Environmental Assessment**

Under the EAA it is prohibited to grant an approval under any Ontario statute for an undertaking subject to the EAA unless all applicable requirements of the EAA have first been satisfied. Therefore, the Director cannot grant an approval under Part V of the EPA until all requirements under the EAA have been fulfilled.

The Ministry has standardized the approach to waste management projects under O.Reg. 101/07 "*Waste Management Projects*". This regulation, which applies equally to public and private sector projects, describes what types of waste management projects are subject to the EAA and require an Environmental Assessment or an Environmental Screening Process be completed. For more information regarding the Environmental Assessment requirements for your project, please refer to the "Guide to Environmental Assessment Requirements for Waste Management Projects", PIBS 6168e.

Applications for approval of EAA subject proposals will be returned to the Applicant if it is determined that the applicable Environmental Assessment (EA) process has not been completed.

### **1.2.3. Mandatory and Discretionary Hearings**

Applications submitted under Part V, EPA for a waste disposal site may be subject to a mandatory hearing or a discretionary hearing. Section 30 of the EPA describes the types of applications that are subject to a mandatory hearing, and Section 32 of the EPA describes those that are subject to a discretionary hearing.

Generally, applications for new or expanded facilities for the final disposal of domestic waste the equivalent of 1500 persons, or for hauled liquid industrial waste or hazardous waste, require a mandatory hearing. If a proposal for a waste disposal site that would otherwise require a mandatory hearing was either subject to the EAA or was specifically exempted from the requirements of the EAA by a regulation or a declaration/exemption order, then that proposal would be exempted from the mandatory hearing requirement.

Other proposals are subject to a discretionary hearing. The hearing requirements should be discussed during the pre-submission consultation with the local Ministry District Office.

If a mandatory hearing is required, the proponent will be notified in advance and will be requested to pay the hearing fee. A decision on whether a discretionary hearing will be required will be made after completion of the public consultation and the technical review.

### **1.3. Approval Process**

The approval process generally consists of pre-application consultation, a review of the application, and issuance of the approval. These steps are outlined below to give the Applicant an understanding of the process requirements and to enable them to account for those requirements in the scheduling of their projects in order to avoid unforeseen delays.

#### **1.3.1. Screening of Applications for Approval**

Upon receipt by the Environmental Assessment and Approvals Branch (EAAB) of the Ministry, the application is assigned to an Application Assessment Officer who screens it for completeness. If an application is grossly incomplete, it will be returned in its entirety.

All other applications undergo a detailed assessment of the entire submission for adequacy of the submitted fee and presence of the required supporting information and documentation. If required, based on the results of the assessment of the submission, the Application Assessment Officer generates a letter of acknowledgement identifying the missing supporting information and documentation and the details of any fee discrepancy.

If the Applicant fails to submit the outstanding fee or address the request for additional information or documentation identified in the letter of acknowledgement within the time allowed, the Application Assessment Officer will initiate the process of cancelling the application and refunding the submitted application fee in the amount reduced by any applicable non-refundable portion of the fee, as stipulated in the fee regulation O.Reg. 363/98 – *Fees Certificates of Approval*.

Once it is ascertained that a submission is complete, including all appropriate fees, an acknowledgement letter is sent to the Applicant and the submission is assigned to a Ministry Waste Review Engineer or Waste Evaluator.

At this time, the Application Assessment Officer will also send a letter to the local municipality (lower tier and upper tier) requesting that the municipality provide formal comments on the application. The letter sent to the Clerk's office includes a copy of the completed application form, a summary of the proposal and the contact information for the Applicant, should the municipality require additional details. The letter will also indicate that the Applicant should have already provided the municipality with a copy of the complete application package at the time of submission.

For applications that are subject to the EBR requirements for public participation, the Applicant must provide an EBR abstract. This is a detailed description of the proposal to be posted on the EBR Environmental Registry for a minimum 30-day public comment period. During this period, the public is given the opportunity to review the application and submit comments on the proposal to the Environmental Assessment and Approvals Branch of the Ministry. For applications subject to the EBR, the Director's final decision on approval cannot be rendered until the notification period has expired and only after all relevant comments

have been taken into consideration. This process runs concurrently with the technical review of the application.

### **1.3.2. Technical Review of Applications for Approval**

Upon receipt of the application, the Waste Review Engineer or Waste Evaluator will determine if the application requires any supplementary review (e.g., comments on the submitted environmental impact analysis from the Technical Support Section of the appropriate Regional Office of the Ministry) and if required, will request such reviews without delay.

During the technical review of an application the EAAB Waste Review Engineer or Waste Evaluator will assess/consider:

- a) The completeness and adequacy of the submitted detailed design documentation and other supporting information;
- b) The compliance of the proposal with the Ministry acts, regulations, policies, objectives, and environmental guidelines;
- c) The conformance of the design to the principles of sound engineering;
- d) The adequacy of controls and contingencies provided to facilitate the proper operation of the system;
- e) The completeness and adequacy of the Financial Assurance estimate (if required);
- f) Comments and concerns of the local municipality, the Ministry District Office and other supplementary reviewers; and
- g) All public comments received during the public comment period identified in the Environmental Registry notice for the EBR Proposal, as applicable and/or during the supplementary public consultation.

Please note that if there is significant public comment/concern on a proposal the Ministry may extend the posting beyond the minimum 30-day requirement. The Ministry may also require that additional public consultation be carried out by the Applicant including public meetings, open houses etc. It is therefore in the interest of the Applicant to ensure that public consultation is completed prior to the submission of the application and that all concerns have been addressed.

The Waste Review Engineer or Waste Evaluator will hold Applicants accountable to document compliance and are required to identify deficiencies in the application and supporting information.

During this review, the Waste Review Engineer or Waste Evaluator may determine that additional information is necessary for proper assessment of the application, or that the application involves aspects which require submission of additional fees. A failure to provide the additional information/fee requested within the Ministry stipulated timeline, or to work with the Ministry to negotiate a new timeline will result in the cancellation of the application.

If during the review a non-compliance with published Ministry requirements is identified, the Director will issue a non-compliance letter requiring a revision to the proposal. If the

Applicant fails to revise the proposal so that compliance with the Ministry's requirements is accomplished, the application will be refused in accordance with the process described below.

### **1.3.3. Recommendation/Refusal for Approval**

Upon completion of the technical review, the Waste Review Engineer or Waste Evaluator prepares a recommendation to the approving Director to either approve the application, in which case they would prepare a CofA, or to refuse the application. This recommendation considers the District Office input, the conclusions of the supplementary reviews, and all public and municipal input.

### **1.3.4. Issuance of Approval**

Upon considering the Waste Review Engineer or Waste Evaluator's recommendation, the approving Director may grant approval for the proposed facility or, if in his/her opinion it is in the public interest to do so, refuse to grant approval or grant approval on such terms and conditions as he/she deems necessary.

The Director may grant his/her approval of the proposed works by issuing one of the following documents:

- i) A new CofA;
  - Issued to approve the establishment of new waste disposal facilities, or for expansions or alterations to existing unapproved facilities
- ii) An Amended CofA;
  - Usually issued to approve expansion or alteration to existing previously approved facilities
  - Revokes and replaces the existing CofA
- iii) A Notice amending an existing CofA
  - Issued to approve modifications to previously approved facilities, or modifications to the existing terms and conditions of an existing CofA
  - Becomes part of the CofA it amends

In granting an approval, the Director usually imposes terms and conditions on the CofA. These conditions cover the operation and performance of the waste disposal facility and may cover such items as design, maintenance and operation of the waste disposal facility and any pollution control devices, monitoring and reporting, and minimum performance requirements necessary to achieve compliance with the EPA and all applicable regulations and guidelines.

If an EBR Proposal Notice was posted, a Decision Notice on the final decision will be provided to the public via the Environmental Registry. The notice will include the outcome of the Ministry's review of the application, how many comments were received on the proposal,

as well as what impact these comments had on the decision to issue or refuse the CofA. If the decision was to approve a proposal, a copy of the CofA may be included in the posting.

### **1.3.5. Appeal Provisions**

Section 139 of the EPA allows the Applicant to request a hearing by the Environment Review Tribunal (ERT) if the Director:

- Refuses to issue, renew, cancels or suspends a CofA;
- Imposes terms and conditions in issuing a CofA; or
- Alters the terms and conditions or imposes new terms and conditions on a CofA after it is issued.

In addition to the Applicant's rights of appeal, residents of Ontario have third party appeal rights under the EBR and may ask the ERT for the opportunity to receive "leave to appeal" of a Director's decision to approve a CofA within 15 days of the decision being posted on the Environmental Registry. For additional information regarding third party appeals please see the guide entitled "The Requirements of The Environmental Bill of Rights For Prescribed Instruments", PIBS 3323e.

### **1.4. Public Access to Application Information**

The public release of information contained in application forms and documentation submitted in support of applications is subject to the provisions of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, and/or the Municipal Freedom of Information and Protection of Privacy Act, R.R.O. 1990. These Acts define what may and may not be disclosed to the public, and are used to assess all requests for information contained in the documents on file with an application for approval.

Information in the application form is not considered confidential and therefore can be released to the public upon request.

If an Applicant considers a component of the supporting documentation to be propriety in nature then the Applicant must clearly identify all sections of the supporting documentation which are to be considered confidential or proprietary. If during the EBR comment period a request from the public is made to view the file, the Ministry will make the non-confidential information available to the public without further notice to the Applicant. A request for the information that is marked confidential would be handled through the Freedom of Information (FOI) process. Requests to view the file submitted to the Ministry after the completion of the EBR comment period will also be handled through the FOI process.

## **PART 2 - INSTRUCTIONS FOR COMPLETING THE APPLICATION FORM**

### **2.1. General Instructions**

Applicants are responsible for ensuring that they are working with the most recent “Application for a Certificate of Approval for a Waste Disposal Site” form, PIBS 4181e.

To obtain the application form and any supporting documentation, please refer to the publications section on the Ministry Internet site at [www.ene.gov.on.ca](http://www.ene.gov.on.ca) or contact the Environmental Assessment and Approvals Branch by telephone at 1-800-461-6290 (locally at 416-314-8001) or by e-mail at [EAABGen@ene.gov.on.ca](mailto:EAABGen@ene.gov.on.ca).

Questions regarding completion and submission of this application should be directed to the Environmental Assessment and Approvals Branch of the Ministry at the address below.

Environmental Assessment and Approvals Branch  
2 St. Clair Ave. W. Floor 12A  
Toronto, ON M4V 1L5  
Phone: 416-314-8001  
Toll Free: 1-800-461-6290  
Email: [EAABGen@ene.gov.on.ca](mailto:EAABGen@ene.gov.on.ca)

A complete application package and the correct application fee must be submitted to the Environmental Assessment and Approvals Branch.

Copies of the complete application package must be submitted to both the District Office of the Ministry and the Clerk’s office of the local municipality (upper and lower tier) in which the facility/proposed facility is located.

To find the appropriate Ministry District Office please refer to the Ministry’s website or use the following link: <http://www.ene.gov.on.ca/envision/org/op.htm#Reg/Dist>.

### **2.2. Who is the Applicant**

The statutory requirement for a CofA for a waste disposal site is contained in Section 27 of the EPA. Section 27 requires that an approval be obtained from the Director before using, operating, establishing, altering, enlarging or extending a waste management system or a waste disposal site. It is the Applicant’s responsibility to be aware of, and to understand all legal requirements of the EPA and other applicable legislation. Applicants should refer to the Acts and Regulations for a comprehensive review of those requirements or seek legal counsel.

The responsibility for obtaining approval for the waste disposal facility lies with the owner of the facility. If the owner is a corporation, the person signing the application on behalf of the corporation must be an officer or director of the corporation as listed on the documents of incorporation, or must be someone who is specifically authorized by the corporation to do so.

If the person signing the application is not an officer of the corporation, the application must be accompanied by a letter signed by an official of the corporation authorizing the person to act on its behalf for that purpose.

### **2.3. When to File Applications**

Applicants are encouraged to submit their completed application as soon as possible in order to avoid delays in construction and operation. However, the submitted applications must be complete and they must include all relevant supporting documents identified in this guide and by the application form. An application will be considered incomplete if it lacks finalized design plans. Incomplete applications will be cancelled and returned minus the non-refundable administrative processing fee.

The length of time required for the Ministry to review an application is dependent on several factors, including: the complexity of the proposed operation, the quality of the application and the associated documentation, the District Office and municipal concerns, and public interest in the application.

As described previously in this guide, it is recommended that Applicants carry out pre-consultation with the local municipality and District Office prior to finalizing the application. It is expected that the submitted application package address all relevant comments and concerns that were identified through the consultation process. Failure to undertake the pre-consultation and/or address the identified concerns may result in significant delays being incurred in the review process.

If the application is submitted before the proper zoning for the proposed location is in place, the application will be cancelled and returned minus the non-refundable administrative processing fee.

If the facility is subject to the EAA, applications for a CofA can only be submitted once all of the requirements of the EA process have been satisfied. Applications for facilities that have not met their EA requirements will be cancelled and returned minus the non-refundable administrative processing fee.

### **2.4. Completing the Application Form**

The Application Form is organized into the following eight sections.

- Application Summary
- Section 1: Applicant Information
- Section 2: Project Information
- Section 3: Site Information
- Section 4: Facility Information
- Section 5: Regulatory Requirements
- Section 6: Supporting Information Requirements
- Payment Information

Several interactive features have been incorporated to assist the Applicant with completing the form. To take advantage of all these features, the form must be completed using version 8 or above of the Adobe Acrobat Reader software, available for free at [www.adobe.com](http://www.adobe.com). Some features may not work as expected in earlier versions of the program or other PDF reader software.

The form can be filled out and saved using the free Adobe Acrobat Reader software.

The form will calculate certain values based on the information entered by the user. For example, the cost associated with the application is calculated automatically by the form.

The Application Summary section of the form will indicate if any section of the form has not been completed. Each section of the form will be identified as complete (green checkmark) or incomplete (red X). The checkmark or X will appear on the left hand side of the form, next to the section heading. A corresponding checkmark or X will appear next to the section heading on the Application Summary page.

If a specific field or section of the form is not required to be completed, based on other information entered in the form, the user will be unable to enter information into the "not required" field(s). For example, if the user indicates that an address in the form is the same as the Applicant Physical Address then the same address information is not required a second time.

Please note that the **majority of the ancillary explanatory information related to the actual completion of the application form has been imbedded in the electronic version of the form** and can be accessed by clicking on the text description of the field. For example, clicking on the text field for "Applicant Name" will provide the user with a description of the information being requested in that field.

*Please Note:* If the form is being completed manually, the ancillary explanatory information is found in an appendix to the form.

The following sections describe in general terms what is required in the form. Additional explanatory information has been provided below for completing the "Application Summary Section" and "Section 5: Regulatory Requirements".

### **2.4.1 Application Summary**

The Application Summary Section is where the Project Name and Project Description Summary are identified for the proposal. This section of the form (electronic version only) will advise the Applicant whether the application is complete or not. The application costs summary is also included in this section. The application costs are generated automatically if the electronic version of the form is used.

If the form is being completed manually the Applicant must calculate the costs using the form titled "Costs for EPA s.27 (Waste Management) Applications - Supplement to Application for Approval" (PIBS 4186e). The current version of this form can be obtained from the Ministry's website at [www.ene.gov.on.ca](http://www.ene.gov.on.ca).

### **2.4.2 Completing the Project Description Summary**

The Project Description Summary is a brief description (under 100 words, if possible) summarizing the details of the proposed waste disposal site application. If the proposal is subject to requirements under the EBR, then the Project Description Summary will also serve as the EBR proposal abstract that will be posted on the Environmental Registry. The specific details of the proposal are not required, however the main or basic components, processes or items should be listed (i.e. size and/or treatment/processing capacity). A good Project Description/EBR Abstract uses simple, easy to understand language and avoids all technical jargon that may be difficult to understand.

The Project Description/EBR Abstract must include the following elements:

1. Type of facility/site
2. Scale of facility including:
  - a. Receiving capacity per day
  - b. Fill area in hectares for landfill sites
  - c. Total site area in hectares
  - d. Storage capacity of site (final volumetric capacity for landfill sites)
  - e. Maximum storage capacity
3. Type of waste(s) to be accepted/processed/disposed
4. Service area or source of waste(s)
5. Description of processing operations
6. Life expectancy of the site (for landfill sites)
7. Operating hours

For sample EBR abstracts please refer to either the examples provided below or to the examples contained in the sample application package, available on the Ministry website. For additional information please refer to "The Requirements of the Environmental Bill of Rights for Prescribed Instruments" PIBS 3323e document available at the Ministry's website at [www.ene.gov.on.ca](http://www.ene.gov.on.ca).

*Example of an EBR abstract for a new facility:*

This proposal is for a CofA (Waste Disposal Site) for the use and operation of a waste disposal site (processing) with a total site area of 1.5 hectares. Up to 100 tonnes per day of solid non-hazardous waste including roofing waste (shingles, wood, nails) will be ground and/or shredded at the site. The total amount of waste and processed materials stored at the site will not exceed 300 tonnes at any one time. The waste disposal site is to serve the Province of Ontario. The hours of operation are from 8:00 am to 5:00 pm, Monday to Friday.

*Example of EBR abstract for amendment application:*

This proposal is for an amendment to the existing CofA (Waste Disposal Sites) No. 1111-111QUQ issued for the use and operation of a waste disposal site (transfer and processing) with a total site area of 1.5 hectares. Solid non-hazardous waste including construction and demolition waste has been accepted and managed at the site. This proposal for amendment includes an increase to the total processing capacity of waste from 100 tonnes to 200 tonnes per day. The total amount of waste and processed materials stored at the site is proposed to increase from 200 tonnes to 300 tonnes at any time. The waste disposal site is to serve the Province of Ontario. The hours of operation are from 8:00 am to 5:00 pm, Monday to Friday.

### **2.4.3 Section 1: Applicant Information**

Applicant Information is the information identifying the individual or organization having legal responsibility for the proposed works/facilities. Typically the Applicant is the legal owner of the works/facilities. All ancillary guidance required to complete this section is embedded in the application form.

### **2.4.4 Section 2: Project Information**

Project Information is the information identifying the type of application that the Applicant is applying for. The identification of the Project Technical Contact is also identified. All ancillary guidance required to complete this section is embedded in the application form.

### **2.4.5 Section 3: Site Information**

Site Information is the information identifying the location where the activity/works being applied for is to take place. This section also requires the Applicant to identify the Owner of the property, to identify the operating authority for the waste disposal site and to indicate whether the site is subject to development control under either the Niagara Escarpment Planning & Development Act or the Oak Ridges Moraine Act. All ancillary guidance required to complete this section is embedded in the application form.

## **2.4.6 Section 4: Facility Information**

This section of the form requires information to be provided regarding the type of waste disposal site, the types and amounts of waste that will be managed at the site and the environmental monitoring that is proposed for the site. This section also requires submission of information pertaining to the size of the site, operating hours and service area. All ancillary guidance required to complete this section is embedded in the application form.

## **2.4.7 Section 5: Regulatory Requirements**

This section of the form requires the Applicant to identify whether the proposed waste disposal site is subject to the EAA and if applicable, whether the Applicant has fulfilled the obligations under the EAA. The Applicant is also required in this section to identify whether the waste disposal site being applied for is subject to a Section 30 EPA mandatory hearing. This section also requires the Applicant to identify whether the proposal is a prescribed instrument under the EBR and to provide the details of all public notification and consultation that the Applicant has completed.

### **2.4.7.1 Section 5.3 – Environmental Bill of Rights (EBR) Requirements**

#### *Is This A Proposal For A Prescribed Instrument Under EBR?*

The Applicant must indicate whether or not the application is a proposal which is a prescribed instrument under the EBR.

All types of EBR prescribed instruments (i.e., the types of instrument proposals subject to any EBR requirements) are listed and classified in O.Reg. 681/94, "Classification of Proposals for Instruments". In accordance with O.Reg. 681/94, all Section 27 EPA approvals (waste disposal site approvals) are Class II EBR prescribed instruments unless: a hearing under Section 30 of the EPA is required, the site is an organic solids conditioning site, is a site that operates 12 days a year or less, or the proposal is for mobile waste processing equipment.

#### *Is the proposal excepted from public participation?*

The Applicant must indicate whether or not the proposal is believed to be excepted from the public participation requirement under the EBR. The EBR allows for exception from the public participation requirement only in specific situations as identified below. If none of the allowed reasons are applicable, the proposal cannot be excepted from public participation.

If the Applicant requests that the proposal be excepted from public participation, the Applicant must indicate which of the situations identified by the EBR as legitimate reasons for exception from the public participation requirement are applicable to the proposal. One of the following options (reasons) provided in the application form must be checked and where applicable, all required additional information must be provided.

Legitimate reasons for exception from the public participation requirement are as follows:

1. Equivalent Public Participation (Section 30, EBR)
  - This exception requires that all environmentally significant aspects of the proposal have already been considered in a process of public participation that was substantially equivalent to the requirements under the EBR.
  - The Applicant must include with the application an attachment providing details of the completed province-wide public participation including:
    - Type of the province-wide public participation;
    - Description of how it was conducted;
    - Number of people that participated;
    - The type of public comments that were received;
    - Actions taken as a result of the public comments;
    - An indication whether or not Ministry staff were involved in the process; and
    - Documentation verifying the public participation.
2. Emergency (Section 29, EBR)
  - This exception requires a situation where the delay involved in giving notice to the public, allowing time for public response to the notice, or considering the response(s) to the public notice would result in danger to the health or safety of any person, harm or serious risk of harm to the environment, or injury or damage or serious risk of injury or damage to any property.
  - The Applicant must include with the application an attachment providing information demonstrating that there is an emergency situation and that the proposal will minimize the adverse effects of the emergency situation. Please refer to Section 4 of this guide.
3. Environmentally Insignificant Amendment or Revocation (Section 22, EBR)
  - This exception requires that an amendment to, or the revocation of an existing approval will have an insignificant effect on the environment.
  - The Applicant must include with the application an attachment demonstrating that the proposed amendment/revocation will have no significant impact on the environment.
4. EAA or an Environmental Review Tribunal (ERT) Decision (Section 32, EBR)
  - This exception requires that the application is either:
    - a step towards the implementation of a undertaking in accordance with a completed environmental assessment process under the EAA,
    - a step toward implementing an undertaking that has been exempted by a regulation under the EAA, or
    - a step toward implementing a decision made by the ERT after affording an opportunity for public participation.
  - The Applicant must include with the application proof of completion of the applicable environmental assessment process, the exempting regulation, or a copy of the ERT decision.

*Note:* Despite an exception from the mandatory public participation requirement, an undertaking of significant public interest may still be posted on the Registry as an “information only posting”, under Section 6 of the EBR.

### **2.4.7.2 Section 5.4 – Public Consultation/ Notification**

In the Public Consultation/Notification Section of the application form, the Applicant must provide a brief summary of the public consultation/notification efforts that have been completed or are in the process of being completed in order to fulfill the public consultation requirements of the proposal. It is recommended that public consultation be fully completed prior to the application submission since the response to public comments may affect the design and/or operational procedures of the site.

An adequate level of public consultation/notification can only be determined on a project-by-project basis and is a combination of factors, including: potential environmental impacts, the scope and complexity of the project, and the level of stakeholder interest. Unless it is an administrative amendment, at a minimum the Applicant must submit a letter to the adjacent landowners notifying them of the proposed facility or changes to the existing facility. The District Office of the Ministry can assist Applicants in determining an appropriate level of public consultation/notification.

Please refer to Section 1 of the guide for additional guidance on the requirements for public consultation/notification.

The Applicant must provide as supporting information to the application a Public Consultation/Notification Report. This report, at a minimum, must provide the following:

1. A copy of the neighbour notification letter that the Applicant submitted to the adjacent property owners and tenants informing them of the proposal;
2. A detailed overview of all of the public consultation/notification efforts that have been completed or are in the process of being completed related to the project application;
3. A detailed summary of all comments and concerns that were received; and
4. An explanation of how the Applicant addressed the comments and concerns that were received.

### **2.4.8 Section 6: Supporting Information**

This section of the application identifies all of the supporting documentation that is required in the application package. The electronic version of the form identifies what supporting documentation is to be included in the application package based on the type of application that is being submitted and the information that the Applicant has completed in Sections 1 through 5 of the form.

### **2.4.9 Payment Information**

If the CofA application form is being completed manually, the Applicant must complete and submit “Costs for EPA s.27 Applications – Supplement to Application for Approval”, PIBS 4186e, as part of the complete application package. If the application form is being completed electronically, the application fee will be calculated automatically and the Cost Summary table at the beginning of the form will be populated accordingly.

The last page of the application form is where the payment information is recorded and where a certified cheque or money order is attached, if either is the selected method of payment. **Applicants are not to include the Payment Information page in the copies of the application form that are sent to the District Office and to the local municipality.**

## **PART 3 - APPROVAL REQUIREMENTS**

A complete application package consists of:

- a) A properly completed application form
- b) All supporting information and documentation
- c) A cover letter that:
  - i. is addressed to the “Director, Environmental Assessment and Approvals Branch, Part V, EPA” and
  - ii. identifies all other recipients of the complete application package
- d) A Financial Assurance estimate which is required for private sector waste disposal sites for the implementation of remedial measures, in the event that the owner is unwilling or unable to do so. For more information, reference should be made to the “Financial Assurance Guideline, F-15 (formerly 02-03)”, PIBS 0226e.

Please note that if there is any discharge to the air or discharge to surface water, an application for approval under Section 9 of the EPA or Section 53 of the OWRA may be required. If such applications are required they must be submitted concurrently with the application for the waste disposal site CofA.

The following sections provide a summary of the legislative and regulatory requirements applicable to various types of waste disposal applications, and outline the technical supporting documentation that is to be included in an application package. Applicants should always refer to the Acts and Regulations for a comprehensive review of the requirements prior to submitting an application.

### **3.1. LANDFILL SITES**

Applications for new or expanding landfill sites for disposal of liquid industrial waste, hazardous waste or domestic waste in excess of 1,500 persons equivalent are subject to Part V, Sections 27 and 30 of the EPA.

Applications for new or expanding landfill sites for disposal of domestic waste of less than 1,500 persons equivalent are subject to Part V, Sections 27 and 32 of the EPA.

The Ministry’s regulation for landfill sites, O.Reg. 232/98 – *Landfilling Sites*, applies to new or expanded landfill sites with a final capacity greater than 40,000 cubic metres and which receive municipal waste. The regulation details the requirements for designing a new landfill site for municipal waste and for preparing an application for a CofA. This regulation also imposes specific requirements and standards on the design and operation of the site. Requirements for financial assurance are discussed in detail in this regulation. For additional guidance on what to include in an application please refer to the Ministry’s document entitled, “A Guideline on the Regulatory and Approval Requirements for New or Expanding Landfilling Sites” (May 1998), PIBS 3651e. Though this guideline pertains specifically to municipal waste landfills with a final capacity greater than 40,000 cubic metres, it is also a useful reference for designing landfill sites that are not explicitly covered by O.Reg. 232/98.

In 2008, both O.Reg. 347 and O. Reg. 232/98 were amended to require that landfill gas be collected, captured and flared at landfill sites with a final capacity of greater than 1.5 million cubic metres. These changes apply to active landfill sites in addition to new and expanding sites, with some exemptions to landfilling sites that do not generate landfill gas of significant quantity. For additional guidance on what to include in an application for a landfill gas collection and control system, please refer to the Ministry's document entitled, "Landfill Gas Capture - A Guideline on the Regulatory and Approval Requirements for Landfill Gas Capture Facilities" (September 2008), PIBS 6876e.

Section 5.2 of O. Reg. 347 prescribes approval requirements for service area changes to landfill sites.

When an Applicant wishes to establish a composting site or a transfer site within a landfill site area, an amendment must be made to the landfill site CofA. Please refer to the composting section and transfer site section of this guide for additional guidance in submitting the applications.

### **3.1.1. Application Requirements**

In addition to a completed application for a CofA, the following two additional technical support documents are required when submitting an application for approval of a landfill site:

#### **A. Hydrogeological Assessment Report**

This report describes the existing hydrogeological conditions and assesses potential impacts on ground and surface water from the proposed waste disposal activities.

At a minimum, the Hydrogeological Assessment Report must include:

1. An assessment of the conditions at the proposed site and vicinity;
2. A description of the existing hydrogeologic conditions below and down gradient of the proposed facility;
3. An outline of soil composition, stratigraphy, groundwater flow and the depth to the water table;
4. An estimate of the quality of leachate generated and the leachate attenuation capability of the soils;
5. A determination of possible exceedances of the Ministry's document entitled, "Incorporation of the Reasonable Use Concept Into MOE Groundwater Management Activities" Guideline B-7 (Formerly 15-08)", PIBS 430e;
6. An estimate of the impacts of waste disposal on the ground and surface water at the proposed site and along property boundaries; and

7. A proposal for a monitoring program to capture the chemical and physical parameters of concern for both ground and surface water.

### *B. Design and Operations Report.*

This report describes the site design and development, environmental control measures, daily operations and maintenance, contingency measures, site closure, and post closure monitoring and maintenance. It is required that the Design and Operations Report be maintained current at all times. It is expected that an updated version of the document is to be submitted with subsequent applications to amend the CofA if the report changes as a result of the application.

At a minimum, the Design and Operations Report must include:

1. Site Plan / Location Map that shows:
  - Topography
  - Total area of the site and zoning of the site
  - Land use, Official Plan designation and zoning of the surrounding area
    - The nearest residence
    - The proximity of residential areas
    - The nearest well
    - Nearest occupied industrial or commercial building
  - Location and dimensions of all buildings, bermed areas, on-site roads, access routes, unloading areas, loading areas and tanks, site fencing, paved areas, pollution control devices, property lines, etc.
2. Detail of the site preparations for:
  - Landfilling,
  - Daily operation,
  - Environmental control measures,
  - Site development and closure, and
  - Post-closure monitoring and maintenance
3. Designed capacity of the proposed landfill area
4. Waste types, quantities, characteristics and origin of the incoming material
5. The maximum quantity of each type of waste to be received on an annual and daily basis
6. Monitoring and control programs for, at a minimum:
  - Noise
  - Odour
  - Litter
  - Dust

7. Emergency operation and contingency plans including, at a minimum:
  - Contingency measures for spills, potential fire, explosions, flooding and other possible emergencies,
  - Staff training requirements
  - Equipment requirements and availability
  - Company and Ministry notification procedures
8. Procedures for:
  - Record keeping, including waste classifications and the rates and volumes of waste landfilled at the site
  - Reporting to the Ministry, including any monitoring results, spills, volumes and types of wastes received and landfilled
  - Vehicle routes within the site
  - Monitoring program and procedures
  - How the Design and Operations Report will be maintained to ensure that it is current at all times
  - Suitable document control procedures and records that indicate appropriate document approval and track all changes that have been made to the previously approved versions
9. Details of the site fencing, security, hours of operation, days of operation and the number of days to be open per year
10. Details of facility maintenance and inspection, staff training and the qualifications of senior staff supervising operations at the site
11. Noise impacts and mitigation (facility and truck traffic), including anticipated truck traffic volume
12. Decommissioning plan for eventual closure, addressing procedures for equipment/buildings, dismantling and demolition, site restoration and final residue disposal

### **3.2. THERMAL TREATMENT SITES**

Thermal treatment facilities include incineration, gasification, pyrolysis and plasma arc treatment. The approval requirements for thermal treatment facilities depend on the type and amount of waste to be thermally treated, and other specific provisions described in O.Reg. 347. For more information on incinerator design and operation, the following guidelines should be consulted.

Guideline A-1: Combustion, Air Pollution Control and Monitoring Requirements for Biomedical Waste Incinerators in Ontario, PIBS 1310e02

Guideline A-7: Combustion and Air Pollution Requirements for New Municipal Waste Incinerators, PIBS 1746e

Guidance for Incinerator Design and Operation, Volume I, General Waste,  
December 1988

Determination of Thermal Processes Allowed under Regulation 555/92  
Incineration Ban

Please note that in addition to requiring a waste disposal site CofA, most thermal treatment facilities also require a corresponding approval under Section 9 of the EPA for the associated air and noise emissions. The applications for the waste disposal site and the Air and Noise CofA must be submitted at the same time. For more information regarding applying for a CofA (air and noise), please reference the "Guide to Applying for Approval (Air & Noise)" PIBS 4174e.

Incinerators associated with veterinary hospitals or crematoria are exempt from Part V of the EPA by Section 5 of O.Reg. 347. This exemption only applies if the veterinary hospitals are burning their own waste.

Wastes that meet the MOE Waste Derived Fuel Criteria, as established in O.Reg. 347 are considered to be waste derived fuels (WDF). The approval requirements, including criteria for exemptions from the approvals process for WDF sites, is presented in Section 28(3) of O.Reg. 347. Wastes that do not meet the MOE Waste Derived Fuel Criteria and are intended to be used as a fuel are considered to be liquid industrial or hazardous wastes.

Section 28(1) of O.Reg. 347 exempts on-site thermal treatment equipment from the requirements of Section 27 of the Act. That is, a thermal treatment facility does not require a Part V approval on condition that no hazardous waste or liquid industrial waste is incinerated therein. A hazardous or liquid industrial waste thermal treatment facility is subject to approval under Part V of the EPA. However under subsection 28(2), a thermal treatment facility is exempt from being the subject matter of a mandatory hearing under subsection 30(1) of the EPA. However, discretionary hearings can still be held for such proposals.

Thermal treatment equipment treating woodwaste, as defined in O.Reg. 347 is exempt from the requirements of Part V of the EPA under certain conditions. Sections 28.1(1) and 28.1(2) of O.Reg. 347 describe the requirements for thermal treatment of woodwaste and list the exempting criteria that must be met.

Please refer to Reg. 101/07 to determine how the requirements of the EAA may apply to the proposed thermal treatment facility.

### **3.2.1. Application Requirements**

In addition to a completed application for a CofA, the following technical support document is required when submitting an application for approval of a thermal treatment facility under Part V of the EPA:

## A. *Design and Operations Report*

This document describes the site design, environmental control measures, monitoring, daily operations and maintenance, contingency measures and site closure, and includes an assessment on all aspects of the facility and its potential for environmental impacts. The level of detail relating to the combustion equipment and pollution control equipment may be conceptual in detail, though it must be sufficient to confirm the feasibility of the proposed final design. Detailed plans and specifications of the combustion equipment are to be provided in the corresponding application for a CofA (air and noise). This additional detail is to be included in the application for a waste disposal site if the proposed thermal treatment facility is exempt from the requirements to obtain a CofA (air and noise). It is required that the Design and Operations Report be maintained current at all times. It is expected that an updated version of the Design and Operations Report is to be submitted with subsequent applications to amend the CofA if the report changes as a result of the application.

At a minimum the Report must include:

1. Site Plan / Location Map that shows:
  - Topography
  - Total area of the site and zoning of the site
  - Land use, Official Plan designation and zoning of the surrounding area
    - The nearest residence
    - The proximity of residential areas
    - The nearest well
    - Nearest occupied industrial or commercial building
  - Location and dimensions of all buildings, waste storage areas, bermed areas, on-site roads, access routes, unloading areas, loading areas and tanks, site fencing, paved areas, thermal treatment unit(s), pollution control devices, property lines, etc.
2. A description of the waste types, quantities, characteristics and origin of the incoming material.
3. The maximum quantity of each type of waste to be thermally treated on an annual and daily basis.
4. A detailed description of the thermal treatment process to be utilized, including a description of the equipment and technology to be used.
5. Details of the thermal treatment unit design, including:
  - The design capacity of the proposed facility
  - Technical specification of the thermal treatment equipment and description of the end use of the heat produced i.e. steam boiler, air heater etc.
  - The proposed maximum
    - continuous waste material firing rate
    - frequency, if intermittent

- clean fuel firing rate, if co-fired with waste material
  - chemical analysis of a representative sample, including, at a minimum, the parameters listed in the MOE Waste Derived Fuel Criteria (O.Reg.347)
  - Emission controls, including:
    - Expected emissions
    - Impact modeling and compliance with O.Reg. 419 standards
    - Emergency stack operations
6. Details of all residual wastes generated at the proposed facility, including
- Quantity of each waste stream
  - Type and classification of each residual waste stream
  - Waste unloading, handling and feed system
  - Waste storage provisions
  - Handling and disposal procedures
7. Monitoring and control programs for, at a minimum:
- Noise
  - Odour
  - Litter
  - Dust
8. Emergency operation and contingency plans including, at a minimum:
- Contingency measures for spills, potential fire, explosions, power outages, flooding and other possible emergencies,
  - Staff training requirements
  - Equipment requirements and availability
  - Company and Ministry notification procedures
9. Procedures for:
- Record keeping, including waste classifications and the rates and volumes of waste treated
  - Reporting to the Ministry, including any monitoring results, spills, volumes and types of wastes received and treated
  - Labelling of storage containers, areas and vehicle routes within the site
  - Monitoring program and procedures
  - Site and waste handling, including:
    - How waste is transported/managed on the site, stored or otherwise managed on-site and during shipment off-site
    - On-site storage method, capacity and processing details
    - A process schematic and a material balance
    - Types and quantities of process residues
10. Details of the site fencing, security, hours of operation, days of operation and the number of days to be open per year

11. Details of facility maintenance and inspection, staff training and the qualifications of senior staff supervising operations on site
12. Noise impacts and mitigation (facility and truck traffic), including the anticipated truck traffic volume
13. Decommissioning plan for eventual closure, addressing procedures for equipment/buildings, dismantling and demolition, site restoration, and final residue disposal

### **3.3. WASTE TRANSFER STATIONS**

A transfer station is defined as a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site. This would include Household Hazardous Waste Facilities.

At a waste transfer station, only waste of the same type may be bulked/consolidated. If the proposed facility includes any processing activity then please refer to the application requirements for a Waste Processing Site described in Section 3.4 of this Guide.

An Environmental Screening Process is required under Reg.101/07 made under the EAA if more than 1,000 tonnes of waste per day (on an annual average) is transferred from a proposed waste transfer station.

#### **3.3.1. Application Requirements**

In addition to a complete application form, the following technical support documents are to be included to support an application for a waste transfer station.

##### *A. Design and Operations Report*

This document describes the site design, environmental control measures, monitoring, daily operations and maintenance, contingency measures, site closure and includes an assessment on all aspects of the facility and its potential for environmental impacts. It is required that the Design and Operations Report be maintained current at all times. It is expected that an updated version of the document is to be submitted with subsequent applications to amend the CofA if the report changes as a result of the application.

At a minimum, the Report must include:

1. Site Plan / Location Map that shows:
  - Topography
  - Total area of the site and site zoning
  - Land use, Official Plan designation and zoning of the surrounding area
    - The nearest residence
    - The proximity of residential areas

- The nearest well
  - Nearest occupied industrial or commercial building
  - Location and dimensions of all buildings, waste storage areas, bermed areas, on-site roads, access routes, unloading areas, loading areas and tanks, site fencing, paved areas, pollution control devices, property lines, etc.
2. Details of the site fencing, security, hours of operation, days of operation and the number of days to be open per year
  3. Details of facility maintenance and inspection, staff training and the qualifications of senior staff supervising operations on site
  4. A description of the type and origin of the wastes to be accepted. For subject wastes the description must include the Waste Class(es) and Characteristic(s). Subject wastes will require registration in accordance with O.Reg. 347
  5. A schematic diagram showing the flow of waste through the site
  6. A description of the waste screening procedures including waste inspection and analytical testing.
  7. The maximum amount of waste that will be received at, and transferred from, the site on a daily and annual basis.
  8. The maximum amount of waste to be stored on-site at any one time, the maximum storage duration, the description of the method of storage, and the design of the storage facility
  9. A detailed calculation to justify the maximum on-site storage as specified above
  10. A list of sites where wastes will be disposed of, including confirmation that the receiving site is approved to accept the waste
  11. Monitoring and control programs for, at a minimum:
    - Noise
    - Odour
    - Litter
    - Dust
  12. Noise impacts and mitigation (facility and truck traffic), including the anticipated truck traffic volume
  13. Decommissioning plan for eventual closure, addressing procedures for equipment/buildings, dismantling and demolition, site restoration and final residue disposal
  14. Emergency operation and contingency plans including, at a minimum:

- Contingency measures for spills, potential fire, explosions, power outages, flooding and other possible emergencies,
- Staff training requirements
- Equipment requirements and availability
- Company and Ministry notification procedures

15. Procedures for:

- Record keeping, including waste classifications and the rates and volumes of waste managed at the site
- Describing how waste is transported/managed onto the site, stored, or otherwise managed on-site and during shipment off-site
- Reporting to the Ministry, including any monitoring results, spills, volumes and types of wastes received and processed
- Labelling of storage containers, areas, and vehicle routes within the site
- Monitoring program and procedures
- Suitable document control procedures and records that indicate appropriate document approval and track all changes that have been made to the previously approved versions

If the waste transfer site will receive and store liquid industrial waste and/or hazardous waste, at a minimum the following additional requirements must be included in the Design and Operations Report:

1. Details of the design of the drums, storage tanks and other storage areas including:
  - Specific tank locations
  - Identification of tanks for each Ministry waste class number and description
2. Storage tank specifications including:
  - Tank dimensions
  - Maximum volume
  - Volume monitoring device
  - Venting
  - Type and gauge of material
  - Type of assembly
  - Tank foundation
  - Piping and coating to prevent chemical leakage and/or corrosion
3. Detailed identification of the waste segregation program on the Site Plan
4. A description of the waste segregation program explaining how the storage tanks and storage areas are situated in a fashion that prevents incompatible wastes from coming in contact through a spill or other means
  - i.e. drums containing chemicals which react together should be segregated in separate bermed areas
5. Details of piping layout and pump locations

6. A calculation to show that the design and capacity of the berms (which are required around the tanks), the containment area surface design and the drainage sump capacity are consistent with the Ministry's document entitled "Guidelines for Environmental Protection Measures at Chemical and Waste Storage Facilities", PIBS 5113e
  - The details of the berms and base of the storage area must be given including dimensions, material, and permeability, taking into consideration the nature of the waste material
7. A written statement from a Professional Engineer indicating the storage facility complies with the above guideline
  - Any variation from the guideline must be specified and justified by the Engineer

### *B. Drainage Study*

A drainage study is required for Waste Transfer Stations that include provisions for the outside storage of waste.

At a minimum the Study must:

1. Provide a detailed plan of storm water management, including:
  - Calculations of volumes of storm water run-off based on a properly selected rain fall intensity curve (i.e. a 20-year storm)
    - Run-off water originating at the facility's storage, loading and unloading areas should be separately controlled
  - Volume of storm water storage
  - Monitoring plans
  - Grading of ditches
  - Surface elevations indicating the direction of drainage
  - A discussion of what will be done with the rainwater contaminated with liquid industrial or hazardous wastes
2. Include written approval from the local municipality for any discharges to the sanitary sewer, and indicate the predicted effluent quantity and quality for this discharge

### **3.4. WASTE PROCESSING SITE**

A Waste Processing Site is a site that manages or prepares waste for subsequent reuse or disposal. Waste processing sites include any waste disposal sites (not including final disposal sites) where the waste received is altered such that it no longer exists in the form in which it was received.

Waste processing sites, from both the private and public sectors, are subject to Part V, Section 27 and 32 of the EPA. Approval under Section 9 of the EPA may be required for air

emissions from any processes or venting. If corresponding applications are required, they should be submitted concurrently with the waste disposal site application.

Additional specific guidance is provided in Section 3.5 of this Guide for centralized composting sites and other waste disposal sites where aerobic processes are utilized to treat organic waste streams (including leaf and yard waste and the wet component of municipal solid waste).

An Environmental Screening Process is required under Reg.101/07 made under the EAA if more than 1,000 tonnes of residual waste per day (on an annual average) is transferred from a proposed waste processing site.

### **3.4.1. Application Requirements**

In addition to a completed application form, the following technical support documents are to be included to support an application for a waste processing site.

#### **A. Design and Operations Report**

This document describes the site design, environmental control measures, monitoring, daily operations and maintenance, contingency measures and site closure, and includes an assessment on all aspects of the facility and its potential for environmental impacts. It is required that the Design and Operations Report be maintained current at all times. It is expected that an updated version of the document is to be submitted with subsequent applications to amend the CofA if the report changes as a result of the application.

At a minimum, the Report must include all of the information required to be included in a Design and Operations Report for a Waste Transfer Station, as well as the following additional information:

1. A detailed description of the processes to be utilized, including a description of the equipment and technology to be used.
2. A list of processing parameters to be monitored and the monitoring procedures.
3. Record keeping including waste classifications, rates and amounts of waste processed, including any reagents used in the process.
4. A schematic diagram showing the flow of waste through the site, including waste receiving, storage and processing areas and showing a mass balance.
5. The maximum quantity of each type of waste to be processed annually including calculations to support the design capacity of the proposed facility.
6. A description of the types and quantities of any wastes that are generated and/or materials that are recovered at the site, and how they are managed, stored and disposed of.

7. Details of inspection and testing requirements for outgoing wastes.
8. Details of any requirements and procedures that are mandatory under the Land Disposal Restrictions in O.Reg. 347.
9. A decommissioning plan for eventual closure, addressing procedures for equipment/buildings, dismantling and demolition, site restoration and final residue disposal.

### *B. Waste Analysis Plan*

A Waste Analysis Plan is required for all waste processing sites that are subject to Land Disposal Restrictions under O.Reg. 347. A Waste Analysis Plan documents chemical and physical testing of representative samples requiring treatment in accordance with sections 75, 76, 77, 78, 79, 82 and 83 of O.Reg. 347.

### *C. Drainage Study*

A drainage study is required for Waste Processing sites that include provisions for outside storage of waste. Please refer to Section 3.3 for details relating to what is to be included in a Drainage Study.

## **3.5. COMPOSTING SITES**

O.Reg. 347 defines composting as the treatment of waste by aerobic decomposition of organic matter by bacterial action for the production of stabilized humus. Compost is a material containing at least 30% organic material which has been produced by aerobic decomposition. It does not include material composted solely from agricultural wastes.

Centralized composting facilities are those facilities receiving waste (i.e. leaf and yard waste or the wet component of municipal solid waste) from various sources (i.e. towns, municipalities). While these facilities are considered to be waste processing sites, additional guidance is being provided to Applicants given the potential for odour impacts that may be produced at these sites.

Central composting requires approval under Sections 27 and 32 of the EPA unless exempted by regulation. O.Reg. 101/94 exempts sites for composting leaf and yard waste under prescribed conditions. Also, the compost generated is exempt from requiring a Part V approval if it complies with the compost criteria. O.Reg. 101/94 should be consulted for more information on composting requirements of municipal waste.

Sites which generate and compost their own waste within their boundaries (i.e. home composting) do not require Part V, EPA approval.

Please note that if there is any discharge to the air or surface water, an application for approval under Section 9 of the EPA or Section 53 of the OWRA may be required. If

corresponding applications are required they should be submitted concurrently with the waste disposal site application.

For information regarding Air CofAs please refer to the Ministry's document entitled "Guide to Applying for Approval (Air & Noise)", PIBS 4174e. For information regarding waste water CofAs please refer to the Ministry's document entitled "Guide for Applying for Approval of Municipal and Private Water and Sewage Works (Section 52 & 53 OWRA R.S.O 1990)", PIBS 4063e.

For additional information on the Ministry's requirements for composting sites please refer to the Ministry's document entitled "Interim Guideline for the Production and Use of Aerobic Compost in Ontario" (November 1991), PIBS 1749e as amended from time to time.

An Environmental Screening Process is required under O.Reg. 101/07 made under the EAA if more than 1,000 tonnes of residual waste per day (on an annual average) is transferred from a composting site for final disposal. However, compost that complies with the compost criteria is not considered waste and therefore it is not included in the 1,000 tonnes per day trigger.

### **3.5.1. Application Requirements**

In addition to a completed application form the following technical support documents are to be included to support an application for a composting site.

#### **A. Design and Operations Report**

This document describes the site design, environmental control measures, monitoring, daily operations and maintenance, contingency measures and site closure, and includes an assessment on all aspects of the facility and its potential for environmental impacts. It is required that the Design and Operations Report be maintained current at all times. It is expected that an updated version of the document is to be submitted with subsequent applications to amend the CofA if the report changes as a result of the application.

At a minimum, the Design and Operations Report must include:

1. Site Plan / Location Map that shows:
  - Topography
  - Total area of the site location and zoning
  - Land use, Official Plan designation and zoning of the surrounding area
    - The nearest residence
    - The proximity of residential areas
    - The nearest well
    - Nearest occupied industrial or commercial building
  - Location and dimensions of all buildings, bermed areas, on-site roads, access routes, unloading areas, loading areas and waste storage areas, site fencing, paved areas, pollution control devices, property lines, etc.

2. Details regarding site fencing, security, hours of operation, days of operation and the number of days to be open per year
3. Designed capacity of proposed facility
4. Waste types, quantities, characteristics and origin of the incoming material
5. The maximum quantity of each type of waste to be processed annually
6. A detailed description of the process to be utilized, including a description of the equipment, facilities and technology to be used, including (as applicable):
  - waste pre-processing
  - waste composting and mixing, including a description of any additives to be used and the method of their addition, and methods of aeration and irrigation
  - the stabilization (curing) process of unfinished compost (including the location and duration)
  - Proposed monitoring arrangements
  - Proposed quality sampling and testing
  - Exhaust handling and control systems
7. The maximum amount of waste to be stored on-site at any one time, the maximum storage duration, and the description of the method and the design of the storage facility
8. Monitoring and control programs for, at a minimum:
  - Noise
  - Odour
  - Litter
  - Dust
9. Emergency operation and contingency plans including, at a minimum:
  - Contingency measures for spills, potential fire, explosions, power outages, flooding and other possible emergencies, including air exhaust control equipment malfunctions
  - Staff training requirements
  - Equipment requirements and availability
  - Company and Ministry notification procedures
10. Procedures for:
  - Record keeping including waste classifications, and the rates and volumes of waste processed
  - Final end use of the product and quality assurance (i.e. pathogen destruction)
  - Reporting to the Ministry, including any monitoring results, spills, volumes and types of wastes received and processed
  - Labelling of storage containers and areas, and vehicle routes within the site

- Monitoring program and procedures
  - How the Design and Operations Report will be maintained to ensure that it is current at all times
  - Suitable document control procedures and records that indicate appropriate document approval, and which track all changes that have been made to the previously approved versions
11. Details of facility maintenance and inspection, staff training and the qualifications of senior staff supervising operations on site
  12. Noise impacts and mitigation (facility and truck traffic), including the anticipated truck traffic volume
  13. Contingency plans should the final product not meet the intended specifications
    - The intended final use of the compost will influence the final quality requirements
      - i.e. if the material is intended for use as a cover at a landfill site, the compost characteristics for final quality will not be as stringent as that intended for gardening use.
  14. Decommissioning plan for eventual closure, addressing procedures for equipment/buildings, dismantling and demolition, site restoration and final residue disposal

#### *B. Hydrogeological Assessment Report*

A Hydrogeological Assessment Report is required if the composting operation is to occur outdoors on a natural base. Locating a composting facility on a concrete or asphalt pad does not preclude ground water contamination due to the potential cracking of the pads.

This report must describe the existing hydrogeological conditions and will assess the estimated impacts on surface and ground water from the proposed operations.

At a minimum, the *Hydrogeological Assessment Report* must include:

1. An assessment of the conditions at the proposed site and vicinity;
2. A description of the existing hydrogeologic conditions below and down gradient of the proposed facility;
3. An outline of soil composition, stratigraphy, groundwater flow and depth to the water table;
4. An estimate of the quality of leachate generated and the leachate attenuation capability of the soils;

5. A determination of possible exceedances of the Ministry's document entitled *"Incorporation of the Reasonable Use Concept Into MOEE Groundwater Management Activities" Guideline B-7 (Formerly 15-08)"*
6. An estimate of the impacts from waste disposal on the ground and surface water at the proposed site and along the property boundaries; and
7. A proposal for a monitoring program for the chemical and physical parameters of concern for both ground and surface water.

### C. Drainage Study

A drainage study is required for composting sites that include provisions for the outside storage of waste.

At a minimum, the Study must:

1. Provide a detailed plan of storm water management including:
  - Calculations of volumes of storm water run-off based on a properly selected rain fall intensity curve, i.e. a 20-year storm
    - Run-off water originating at the facility's storage, loading and unloading areas should be separately controlled
  - volume of storm water storage
  - monitoring
  - grading of ditches
  - surface elevations indicating the direction of drainage
  - a discussion of what will be done with rain water which becomes contaminated with liquid industrial or hazardous wastes
2. Include written approval from the local municipality for any discharges to the sanitary sewer, and must indicate the predicted effluent quantity and quality for this discharge

### D. Additional Guidance for Wet Organics Composting Facilities

The composting of wet organic waste (including source separated organic waste) has the potential for significant odour concerns, as adverse odour impacts have been observed at distances greater than two kilometres from wet organic waste facilities. The relative degree of the odour impact is highly dependant on the selected design for the composting facility, the site location, the type and the quality of the waste being received, as well as the appropriateness of the operational controls and contingency plans that are put in place to mitigate an adverse effect, should one occur.

In designing a wet organic waste composting facility, Applicants should pay attention to the following factors, as these factors, in the Ministry's experience, have a significant impact on the generation of odours by the facility:

- the use of contained receiving/processing building(s) versus an outdoor windrow process
- the acceptance of organic waste in compostable or noncompostable plastics bags
- type and degree of waste pre-processing (prior to composting)
- the amount and frequency of aeration and mixing/turning during feedstock preparation and during the composting process
- the types of waste accepted (e.g. diaper and animal waste)
- the percentage of wet organic waste that is used to construct windrows (in outdoor windrow applications)
- the use of odour suppressing covers during the active composting phase (in outdoor windrow applications)
- a provision to compost and stabilize compost within the confines of a building kept under negative pressure and exhausted to the atmosphere through an air emission control system

Ministry experience in reviewing wet organic composting facilities is that a design that uses a fully enclosed building maintained under sufficient negative pressure for the receiving, pre-processing (mixing/grinding), composting, finishing and screening of the wet organic waste is the best management practice for avoiding odours that can be problematic at such a facility. Within a fully enclosed building, all air drawn from the building should be treated by odour removal equipment (e.g. a biofilter) before being discharged to the atmosphere. The discharged air is subject to the requirement for a CofA under Section 9 of the EPA. The odour emission rates from all odour sources are estimated and modeled to determine the anticipated odour levels at nearby sensitive receptors.

The Ministry recognizes that the use of a fully enclosed building for the receiving, pre-processing, composting, finishing and screening of the wet organic waste may not be feasible in all situations, nor necessarily required to ensure that odours will not adversely affect the surrounding properties.

Traditional outdoor windrow composting may be an appropriate treatment option for sites where a sufficient setback from odour receptors is available. However, there may be a significant difference as to what constitutes a sufficient setback between different sites. Ministry experience has shown that odour impacts from a wet organic waste composting facility are possible up to two kilometres from the site. Where an Applicant proposes a traditional wet organic waste composting facility with a setback of less than two kilometres from odour receptors, it is recommended that the Applicant demonstrate in its application for a wet organic waste composting site that the site would generate odour levels of 1 odour unit or less at the nearest sensitive receptor(s).

For a location where sensitive receptors are likely to be impacted, it may be necessary to design the facility such that the processes most likely to generate odours (including receipt and mixing of the waste) are performed in a controlled environment where odours can be captured and treated.

Sensitive receptors would include those locations that would experience adverse effect(s) from odour including:

- private residences or public facilities where people sleep (e.g. single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.)
- institutional facilities (e.g. schools, churches, community centres, day care centres, recreational centres, etc.)
- outdoor public recreational areas (e.g. trailer parks, play grounds, picnic areas, etc.)
- other outdoor public areas where there are continuous human activities (e.g. commercial plazas and office buildings)

The Ministry recommends that the following additional technical support documentation be included in an application for a wet organic waste composting site:

#### *A. Odour Impact Assessment*

This document is an assessment of the anticipated effects that odours generated at the facility are likely to have. An odour impact assessment should be carried out using an approved air dispersion model (e.g. AERMOD) to assess impacts from all odour sources (including fugitive sources) under various weather scenarios using the most representative meteorological data, and should identify those conditions which are most likely to result in an adverse odour impact. Odour levels should be assessed at the property boundary, the nearest receptors and at the most impacted sensitive receptor. The odour impact assessment should demonstrate that sensitive receptors located near the proposed facility will not be adversely affected by odour impacts.

#### *B. Odour Management and Control Plan*

This document provides a detailed description of the procedures and best management practices to be followed at the facility to alleviate odour impacts during normal operations. Procedures for operation of the wet organic waste composting site under less than optimal conditions (e.g. frozen feedstock, prolonged rain events or receipt of feedstock in an anaerobic state) should also be detailed. Consideration should be given to specific weather conditions when odour generating activities, such as windrow turning, should not be undertaken. The Odour Management and Control Plan should also identify the anticipated problems that might occur and should include detailed contingency procedures for mitigative actions to be taken in the event that an odour problem occurs.

Applicants should ensure that the public notice/consultation carried out in accordance with the requirements of the EBR includes the entire area surrounding the wet organic waste composting site that has the potential to be adversely affected by odours from the site.

### **3.6. BIOMEDICAL WASTE**

The definition for “biomedical waste” has been defined in “Guideline C-4: The Management of Biomedical Waste in Ontario (formerly 14-05)”, PIBS 425e. The intent of the guideline is to provide effective management of these wastes through appropriate packaging, segregation, treatment, storage and disposal methods. The guideline identifies acceptable technologies

for the various types of biomedical waste (e.g. anatomical and cytotoxic waste must be incinerated).

Disposal options for biomedical waste are currently as follows:

Incineration: Please refer to the Ministry's "Guideline A-1: Combustion, Air Pollution Control and Monitoring Requirements for Biomedical Waste Incinerators in Ontario", PIBS #1310e02.

Non-Incineration: Please refer to the Ministry's "Guideline C-17: Non-Incineration Technologies for Treatment of Biomedical Waste (Procedures for Microbiological Testing)", PIBS # 4321e.

Once biomedical waste has been successfully treated by a technology acceptable to the Ministry, it is considered to be treated biomedical waste and may be disposed of directly in a municipal landfill.

### **3.7. PCBs**

This section deals with wastes containing monochlorinated or polychlorinated biphenyl (PCB) at a concentration greater than 50 mg/kg. Every site containing PCB waste and PCB related waste, but not containing other wastes, is classified as a PCB storage site. These sites may operate under Director's Instructions under *O.Reg. 362, Waste Management - PCB's* or under a CofA. For more information on PCB storage sites, *O.Reg. 362, Waste Management - PCB's* should be consulted.

The disposal and or management options for PCB waste are: storage sites, processing sites, thermal treatment sites, or mobile processing or thermal treatment facilities.

For information regarding PCB storage sites, processing sites or thermal treatment sites please refer to the storage sites, processing sites or thermal treatment sites sections, respectively, of this guide.

The following approvals typically must be sought when establishing a mobile PCB facility: Application for a Provisional CofA for Destruction of PCBs Using Mobile Technology - Form 1 of O.Reg. 352; Application for a CofA for a Waste Disposal Site Using Mobile Technology - Form 1 of O.Reg. 352; application for CofA (Air) under Section 9 of the EPA.

For more information regarding mobile PCB processing or thermal treatment facilities please refer to: "Details Document, Mobile PCB Destruction Facilities" (April 1986), O.Reg. 352, Mobile PCB Destruction Facilities; and Section 32 and/or Section 30 of the EPA.

## **PART 4 – SPECIALIZED APPROVALS**

### **4.1. COMPREHENSIVE CERTIFICATE OF APPROVAL**

A Waste Comprehensive CofA for a waste disposal site provides limited operational flexibility to the CofA holder to allow for changes to defined aspects of the facility's operations without a requirement to obtain an amendment to the certificate.

#### **4.1.1. Eligibility Requirements**

There are two main eligibility requirements for submission of a Waste Comprehensive CofA.

1. Only the following types of waste disposal sites are eligible for Waste Comprehensive CofA:
  - a. a municipal waste transfer station, and
  - b. a municipal waste transfer and processing facility with processing operations limited to the sorting of incoming waste for the purposes of removing recyclable materials from the waste stream.
2. Applicants must not have any outstanding non-compliance issues or complaints.

Please note that final decisions regarding eligibility for a Waste Comprehensive CofA lies with the Ministry, and applications may be rejected for several reasons that include, but are not limited to municipal concerns or increased public interest in the application. The Ministry may reject an Applicant at any point in the application process.

Applications that are rejected and are deemed ineligible for a Waste Comprehensive CofA may be assessed through the regular process (i.e. treated as a non-Comprehensive application), or in the case of gross deficiencies, will be returned to the Applicant. Fees will also be returned, less the non-refundable administrative processing fee.

#### **4.1.2. Application Requirements**

In addition to the requirements previously referred to in Section 3 of the Guide, an application for a waste Comprehensive CofA includes the following additional components.

##### **A. Mandatory Consultation with District Office**

Applicants submitting an application for a Waste Comprehensive CofA are required to consult with the District Office to discuss any site specific issues that should be addressed in the application. The Applicant must identify in the cover letter addressed to the EAAB Director, which member of the District Office was consulted. Significant local concern, including a

history of outstanding environmental issues or complaints will make the Applicant ineligible for a Waste Comprehensive CofA.

#### B. Mandatory Consultation with Local Municipalities

Applicants submitting an application for a Waste Comprehensive CofA are required to carry out pre-consultation with the local municipal authorities (upper and lower tier as appropriate) prior to submitting the application. An application for a Waste Comprehensive CofA must include confirmation that the site is adequately zoned. Failure to provide confirmation of zoning will result in the Applicant being ineligible for a Waste Comprehensive CofA.

Pre-consultation must include discussions with the municipality about how any local by-laws and/or Site Plan Control Agreements might affect the envelope of operational flexibility of the Waste Comprehensive CofA.

It is the expectation that applications received for Waste Comprehensive Certificates of Approval have adequately addressed the concerns of the local municipality. If a municipality expresses significant concerns about an application, it may result in the application becoming ineligible for a Waste Comprehensive CofA.

#### C. Preparation of an Engineer's Report

An application for a Waste Comprehensive CofA includes the requirement that an Engineer's Report be prepared. The Engineer's Report is the document that sets out the envelope of operational flexibility within a Waste Comprehensive CofA. The Engineer's Report forms part of the application package and is made available as part of the public record under the EBR. Any change to this Engineer's Report will require an application to amend the Waste Comprehensive CofA.

The Engineer's Report must be prepared and stamped by a qualified Professional Engineer who is not a direct employee of the Applicant. In order to be eligible to submit an application for a Waste Comprehensive CofA, it is mandatory that the person preparing the Engineer's Report has completed the Ministry Waste Comprehensive orientation and is in good standing with the EAAB. Please note that the third party Engineer may also be the individual identified by the Applicant as the Project Technical Information Contact.

The Engineer's Report must contain:

1. A commitment to specific engineering standards, design codes, Ministry guidance documents and industry best management practices that the Applicant will adhere to in making any changes to the site;
2. The details of any design constraints imposed on the site by municipal by-laws (including Site Plan Control Agreements), the Ontario Fire Code, and the Ontario Building Code (e.g. operating hours, noise by-laws, setbacks, pile height limitations, quantity, and fire suppression);

3. A detailed identification and assessment of the changes that can be made to the waste disposal site under the envelope of operational flexibility of the Waste Comprehensive CofA;
4. A detailed analysis to substantiate/support the maximum quantity of waste that can be safely stored at the site. This will be the maximum amount of waste that could be stored at the site under the envelope of operational flexibility of the Waste Comprehensive CofA. This analysis must identify the locations where waste can be stored and must consider both unprocessed, in-process and processed wastes; and
5. A detailed analysis to substantiate/support the maximum quantity of waste that can be processed at the site on a daily basis. This amount will represent the maximum daily threshold receiving limit that can be received under the envelope of operational flexibility of the Waste Comprehensive CofA.

#### D. Enhanced Environmental Bill Of Rights Posting

The proposal description for the Environmental Registry posting must clearly define the operational flexibility that is being applied for. It must also describe the waste disposal site as it will initially operate. An example of a proposal notice for a Waste Comprehensive CofA is included in the "Sample Application Package for a Comprehensive Certificate of Approval for a Municipal Waste Transfer and Processing Site", PIBS 6837e.

#### E. Quality Control / Quality Assurance (QA/QC)

An application for a Waste Comprehensive CofA is only considered valid if the following declarations are included in the submission.

##### 1. Applicant Statement

The following statement must be signed and dated by the Signing Authority.

- I am a representative of (company Name) and I am authorized and have the knowledge to make the following statements.
- I have retained / directed the person(s) responsible for preparing this Application.
- I have not knowingly withheld any information necessary for the Applicant and/or Technical Information Contact and/or Engineer to complete the Application.
- To my knowledge, the information presented in this Application is a true representation of the Waste Disposal Site.
- The application being submitted is generally consistent with the "Sample Application Package for a Comprehensive Certificate of Approval for a Municipal Waste Transfer and Processing Site", PIBS # 6837e.

##### 2. Project Technical Information Contact Statement

The following statement must be signed and dated by the Project Information Technical Contact.

- I am a representative of (company Name) and I am responsible for the preparation of the technical content of the application.
- I have followed the requirements listed in the “Guide for Applying for Approval of Waste Disposal Sites”, PIBS 4183e, and the Application submitted is generally consistent with the “Sample Application Package for a Comprehensive Certificate of Approval for a Municipal Waste Transfer and Processing Site”, PIBS # 6837e.
- I have used technical and scientific principles in accordance with current and generally accepted ethics and practices.
- I have verified that the details of the Design and Operations Report, Financial Assurance Estimate and Engineer’s Report presented in the Application is accurate, and I have checked that the information presented in any tables, figures, drawings and/or calculations is correct.
- I have not withheld any necessary information provided by the Applicant in the completion of Application.
- To my knowledge, the information presented in the Design and Operations Report and Engineer’s Report is a true representation of the Waste Disposal Site.

The Project Technical Information Contact may be the Applicant or a consultant hired by the Applicant.

*Note:* In order to be eligible for a Waste Comprehensive CofA, it is mandatory that the Project Technical Information Contact has completed the Ministry Waste Comprehensive CofA orientation and is in good standing with EAAB.

### 3. Third Party Professional Engineer Statement

The following statement must be signed and dated by the engineer that prepared the Engineer’s Report.

- I am a representative of (company name) and I am authorized and have the knowledge to make the following statements.
- I have used engineering or scientific principles in accordance with current and generally accepted ethics and practices, as recognized by members of environmental engineering or science professions/disciplines for sites in similar geographic locations.
- In preparing the Engineer’s Report I have independently verified that details of the Design and Operations Report and Engineer’s Report, and to the best of my knowledge, the information presented in the reports is accurate.
- I have not knowingly withheld any information necessary for the Applicant and/or Technical Information Contact to complete the Application.

The Third Party Engineer must not be a direct employee of the Applicant. If the Third Party Engineer has also been identified as the Project Technical Contact for the Application he/she must complete both statements.

*Note:* In order to be eligible for a Waste Comprehensive Certificate of Approval it is mandatory that the Third Party Engineer has completed the Ministry Waste Comprehensive CofA orientation and is in good standing with EAAB.

For more information on the format and content of these statements, please refer to the “Sample Application Package for a Comprehensive Certificate of Approval for a Municipal Waste Transfer and Processing Site”, PIBS # 6837e.

#### **4.1.3. Scope of Operational Flexibility**

A Waste Comprehensive CofA for a municipal solid waste transfer station and/or transfer and processing facility will provide the CofA holder operational flexibility with respect to the following aspects of a waste disposal site:

1. **Hours of Operation:** A Waste Comprehensive CofA will not restrict the hours that the site is permitted to operate. The CofA holder will be required to provide details of the municipal by-law that governs the facility’s operations, and will be required to operate the waste disposal site in accordance with the provisions of the by-law.
2. **Service Area:** A Waste Comprehensive CofA will not restrict the service area unless the site is subject to a municipal by-law that restricts the service area from which waste can be received. If a specific by-law exists, the CofA holder will be required to operate the waste disposal site in accordance with the provisions of the by-law.
3. **Increase the amount of waste that may be stored at the site:** A Waste Comprehensive CofA will allow a CofA holder to increase the amount of waste that is stored on-site within a predetermined envelope. The company must define the maximum quantity of waste that can be stored on the waste disposal site, and the locations where waste can be stored. This amount will be identified in the certificate. The company may choose to operate the site with a storage amount below the approved limit, in which case it must identify a series of waste storage levels (steps) that it may operate under. The company must also prepare an applicable Financial Assurance estimate for each level / step. In order to increase the on-site storage (move up a step) the company will be required, in advance, to notify the Ministry and to provide the additional Financial Assurance.
4. **Increase the waste receiving limits:** A Waste Comprehensive CofA will allow a CofA holder to utilize an annual averaging of waste that is received. This will enable the waste disposal site to receive more waste per day during peak periods to account for seasonal fluctuations in waste generation. The CofA holder must assess and define the maximum daily amount of waste that the site can manage (process/transfer). This maximum throughput will be identified in the CofA as a threshold daily receiving limit. The CofA holder must also specify the maximum quantity of waste that is to be received at the site on an annual basis. The maximum quantity is restricted to 365,000 tonnes per year unless the Applicant has received prior approval under the EAA for an increased amount. The Waste Comprehensive CofA will allow the CofA holder to receive the maximum annual amount of waste while not exceeding the daily threshold limit. The CofA holder will be required to maintain an up-to-date record of the quantities of waste that are both

received at the site and shipped from the site, to ensure that the site is being operated in compliance with the annualized waste limit and maximum daily threshold.

5. Make modifications to the infrastructure of the waste disposal site: A Waste Comprehensive CofA will allow the CofA holder the flexibility to make changes to the structural elements of the waste disposal site, including buildings, grounds and utilities. For example, a CofA holder would be able to construct a larger receiving / processing building. The CofA holder will be required to adhere to specific engineering standards, design codes, Ministry guidance documents and industry best management practices in making the changes.
6. Make modifications to site processing operations and equipment: A Waste Comprehensive CofA will allow the CofA holder to make changes to the processing operations and equipment at the site that are consistent with the function of the approved operations. For example, a municipal waste transfer and processing facility would be allowed to transform from a manual sorting operation to a fully automated sorting facility without requiring an amendment to the Certificate. The CofA holder will be required to adhere to specific engineering standards, design codes, Ministry guidance documents and industry best management practices in making the changes.
7. Make modifications to the site that are routine, with predictable effects that are environmentally insignificant: A Waste Comprehensive CofA will allow the CofA holder to make modifications to the site that are routine, predictable and are environmentally insignificant. An example of this type of flexibility would be relocating the waste storage areas for sorted materials (baled cardboard, etc.), moving a fence, adding a new gate and expanding / relocating an existing parking lot. Modifications considered to be administrative in nature would also not require an amendment to the Certificate.
8. Receipt of residential solid municipal waste (emergency situation): A Waste Comprehensive CofA permitted for the receipt and transfer of municipal waste limited to Industrial, Commercial and Institutional waste would be allowed to receive domestic waste in the event that a Director declared an emergency situation, such as a border closing or municipal strike action. The ability to receive the additional waste category would not require an amendment of the CofA.

*Note:* The scope of operational flexibility proposed for a Waste Comprehensive Certificate of Approval must be defined by the Applicant in the Engineer's Report.

#### **4.1.4. Limitations**

A Waste Comprehensive CofA will not allow operational flexibility for:

1. Changes to the waste disposal site that require the Engineer's Report to be revised (i.e. alterations not contemplated in the Engineer's Report).
2. The expansion of the physical size of the site (inclusion of adjacent property).

3. The introduction of new waste types (e.g. hazardous waste, liquid industrial waste or residential or domestic waste, if not previously approved or contained within the Engineer's Report).
4. The introduction of a new processing operation not related to the function of the existing approval. For example, a waste disposal site approved as a waste transfer station or material recovery facility cannot become a composting, soil bioremediation, or thermal treatment facility.
5. Changes to the waste disposal site that require approval under the EAA.

#### **4.1.5. Notifications**

A Waste Comprehensive CofA will require that the CofA holder demonstrates ongoing compliance with the EPA, the General Waste Management Regulation (O.Reg. 347) and other performance requirements, in accordance with the conditions in the Certificate. Prior to taking advantage of the operational flexibility afforded by the Certificate, the CofA holder shall provide a Notification Report to the District Office. This report shall include:

1. A description of the change to the operation of the waste disposal site, including an assessment of the anticipated environmental effects of the change.
2. Updated versions of all relevant technical documents that are affected by the change including, but not limited to, an updated Site Plan drawing, Design and Operations Report, the Emergency Response, Spill Reporting and Contingency Plan and the Closure Plan.
3. Signed statements by a Director of the CofA holder declaring that the modifications being carried out are within the pre-approved operating envelope of the Comprehensive CofA, and that the changes to the operations are consistent with industry's best management practices and are in compliance with all applicable Acts and regulations (e.g. EPA, OWRA, etc.), and will not result in an adverse effect or nuisance.
4. Signed statements by a Professional Engineer who is not a direct employee of the Applicant, declaring that the modifications being carried out are within the pre-approved operating envelope of the Comprehensive CofA, and that the changes to the operations are consistent with industry's best management practices and are in compliance with all applicable Acts and regulations (e.g. EPA, OWRA, etc.), and will not result in an adverse effect or nuisance.
5. Requirement to notify and obtain the authorization of the local Fire Department whenever a change requires a revision to the Fire Safety and Emergency Response Plan prior to instituting the change. A copy of the approved plan must be forwarded to the District Office.

## **4.2. Emergency Certificate of Approval**

Under Section 31 of the EPA the Director can issue a Provisional CofA without holding a public hearing (which would otherwise be mandatory) in cases where an emergency situation can be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site. The intent of Section 31 is to allow an emergency situation to be alleviated and to provide time to obtain the approvals necessary for the long-term disposal of waste.

An emergency situation exists by reason of,

- a) Danger to the health or safety of any person;
- b) Impairment, or immediate risk of impairment, to the quality of the natural environment for any use that can be made of it; or
- c) Injury or damage, or immediate risk of injury or damage, to any property or to any plant or animal life.

In addition to the standard application, the following additional information is requested for Emergency Certificates of Approval:

1. Reasons pursuant to Section 31, EPA whereby an emergency situation exists.
2. A letter from the Medical Officer of Health indicating whether an emergency situation with respect to human health and welfare exists.
3. Details of the nature of the emergency situation and how it evolved.
  - If a landfill has reached approved capacity, confirmation of the site contours should be provided through a site survey or other accurate means.
4. Details of the existing and proposed activities being pursued by the municipality to promote the reduction of waste requiring disposal.
5. Alternative solutions for alleviating the emergency situation, and an evaluation of those alternatives. The evaluation criteria should include:
  - a) Hearing Board Decisions
    - Sites rejected by a Hearing Board are not acceptable
    - Sites currently before a Hearing Board are unacceptable, unless they are for the continued use by existing users
  - b) Impact on Environment
    - The potential environmental impacts must be acceptable, or at a minimum, can be made acceptable within a reasonable amount of time
    - A program to control impacts must be in place, or at a minimum, controls can be developed and implemented within a reasonable amount of time
  - c) Existing Site
    - Use of an existing site is preferred

- Via amendment of an existing CofA to increase daily rates of fill or to increase total site capacity
    - The use of a new “greenfield” site is not preferred
  - d) Willing Host
    - Willing host municipalities are preferred (applies to both private and public sector sites)
    - Municipal representatives and Resolution of Council should be provided
  - e) Evidence of General Public Participation
    - Input of public liaison committee and/or minutes from public meetings held by the Applicant
  - f) Site Located Within County or WMMP Study Area
    - Use of own site is preferred
    - Use of another site within the county of WMMP is desirable
  - g) Economic Impact
    - The costs of the alternatives are not normally an important consideration
6. A description of the chosen alternative and how it alleviates the emergency situation.
  7. An operating and development plan for the period of the emergency, clearly delineating operations during the emergency, including:
    - a) Types and quantities of waste
    - b) Municipalities served and their respective population
    - c) The length of time the facility is to be used
    - d) Required changes to the operation/development of the site
    - e) Existing information of the environmental impacts of the site
      - For a landfill, this information should include potential groundwater, surface water and methane gas impacts, an impact monitoring program, and any remedial measures required
  8. A work plan and timetable for approval and implementation of a long term waste management plan.
  9. The closure measures to be implemented at any previously used waste disposal site which is no longer to be used.

### **4.3. Pilot Project Approvals**

Section 5.0.1 of O.Reg. 347 describes criteria for defining a municipal waste pilot project site and the regulatory requirements pertaining to approvals of such a site. These regulatory requirements are in addition to the approval requirements, and are based on the proposed processes and the types of waste that are to be managed at the site.