# Waste Connections of Canada Response to Discussion paper: Modernizing Ontario’s Environmental Assessment Program Ministry of the Environment, Parks and Conservation ERO Number: 013-5101

**Introduction**

Waste Connections of Canada is pleased to respond to the Modernizing Ontario’s Environmental Assessment (EA) Program discussion paper. Ontario’s EA Process is broken, provides little certainty and must be reformed. We share the common goal with the Government of strengthening Ontario’s economy while protecting the environment. To achieve this, businesses need policy certainty and confidence in the EA process.

**Waste Connections of Canada and its Role**

Waste Connections is the premier provider of solid waste collection, transfer, recycling and disposal services in primary and secondary markets across the US and Canada. We serve millions of customers daily across North America. Whether it is single or multi-family residences, commercial institutions, industrial locations, construction sites, special events or providing natural disaster relief, Waste Connections can provide the service.

Waste Connections of Canada is a subsidiary of Waste Connections. Waste Connections is traded respectively on both the TSX and NYSE and is the 3rd largest industrial company traded on the TSX industrial index in Canada. In the US we have exposure in 33 of the 50 states. We own and operate 2 landfill sites in Ontario and employ over 1200 people across the province in approximately 20 locations.

Our main facility, the Ridge Landfill, receives non-hazardous industrial, commercial and institutional waste from across the province as well as residential waste from local municipalities. The Ridge employs 23 people and an additional 40 employees who live in surrounding communities and who work in collection operations in the Municipality of Chatham Kent.

Waste Connections of Canada is currently completing an Environmental Assessment to add capacity to the Ridge Landfill, so that we can continue to serve our customer’s needs and support the demands of Ontario’s growing economy.

***1. Ensure better alignment between the level of assessment and level of environmental risk associated with a project***

*What kind of projects should require environmental assessment in Ontario?*

Every proposed project should be subject to some type of scrutiny and applications should subsequently ranked into low, medium or high-risk profiles. Projects can then be assessed more accurately based on their risk profile. More consultation and discussion needs to take place on this subject and we are happy to engage in these discussions.

*Are there some types of projects where a streamlined assessment process is appropriate?*

Certain project applications should automatically fall into a streamlined process based on their potential risk (high, medium or low) to the environment and role in serving the province. There are examples of streamlined processes at both levels of government. Federally, the Metal and Diamond Mining Effluent Regulations has a streamlined process for certain mining projects. Provincially, there is the Transit Project Assessment Process, which is a proponent-driven, self-assessment process that allows for an assessment of potential environmental impacts to be completed within six months. It could be argued that a number of EA applications, for waste management facilities in particular, are providing essential services in Ontario and therefore should benefit from an accelerated process. At the very minimum, if a proposed project application involves an existing facility with a good history and low risk, or an expansion of that facility, then it should qualify for a streamlined process. Holding an application for an expansion of an existing facility with years of history, data and stakeholder relations to the same standard as that of a new or greenfield project is an inefficient use of time and resources, adding to undue delays, while not meeting the objective of reducing red tape.

***2. Eliminate duplication between environmental assessments and other planning approvals processes***

*What could a one-project-one-review process look like for projects in Ontario subject to both provincial and federal requirements?*

A one-project-one-review process for proposals subject to both provincial and federal requirements is an excellent idea. The current system is the most rudimentary example of duplication and unnecessary red tape. If the federal government requires an environmental assessment then a project should not have to go through a provincial process as well. A simple bilateral agreement stating that projects, which require a federal assessment, would supersede the need for a provincial assessment this would significantly lighten the workload of the MECP and reduce the timelines of other EAs that are only required to go through the provincial process. Additionally, giving municipalities more say by giving them supplemental or expanded powers, in addition to the ones they already have in the EA process, will only lead to a rise not a reduction in red tape and protracted delays.

*Can you identify any other examples of provincial processes that could be better integrated?*

Consultations, their instructions, and the degree to which they should be carried out, is an area where more clarity and involvement from the Ministries could help speed up the process. Frequently, when consultation is required with an Indigenous community or a municipality, the scope of those consultations is - vague. Guidance, greater clarity, more precise involvement and sign off approval of the work required from the Ministries that have carriage of those stakeholders would reinforce the understanding and expectations off the involved parties in the process and would accelerate the EA process.

*What other actions can the ministry take to eliminate duplicative or redundant processes or approvals?*

No proponent will deny that a rigorous assessment of technical aspects of the environmental impact of a project needs to be carried out. However, the first principles of the EA process need to be reconsidered because there needs to be a distinction between public sector projects and those put forward by the private sector. The environmental assessment process was initially developed to assess public projects. For elements like the need, opportunity and alternatives of a proposed project, appropriate metrics were employed to assess when applied to a public proponent, like a municipality. However, when the process is applied to private proponents, it is not appropriate to use the same metrics as those used to assess a public project.

A project’s “purpose”, “opportunity” and “need” should not have to be justified, as a private proponent would already have a sound business rational for proceeding with their project. This justification is duplicated years before the EA process begins in the required Terms of Reference, adding significant time to the process. Also, we submit that “purpose” “opportunity” and “need” do not need to be justified by a private sector proponent in the ToR process for the same reasons as stated above.

Requiring a private proponent to evaluate “alternative” methods to their method of choice is also unnecessary, redundant, time consuming and does nothing but add red tape and make the EA process more cumbersome and inefficient. Just as it would be pointless to ask a carpenter to assess whether they could build something out of steel, its equally pointless to ask a waste management company with a landfill to evaluate “incineration” as a method to manage waste, its not what they do. These evaluations and justifications all require time and significant cost to justify and evaluate, which adds to why an Environmental Assessment can take up to 10 years to complete for some private proponents. Private sector proponents should not have to address the same needs, opportunities and alternative justifications required of the public sector. If private sector proponents satisfied the technical completeness of their application, the EA process would be shortened significantly and the workload would be reduced on the Ministry reviewers.

***3. Find efficiencies in the environmental assessment process and related planning and approval processes to shorten timelines from start to finish***

*What could a coordinated one-window approach look like for Ontario projects?*

To ensure a coordinated approach, we are in favour of more regularly scheduled meetings with all ministries that have carriage over certain aspects of the EA. Both the proponent and the Ministry/Ministries involved should agree to a predetermined schedule and timelines of deliverables - at the start of the process. This would move the process along at an agreed upon timeline thereby significantly accelerating the EA process. An agreed upon schedule and timeline would lead to more direct dialogue. This would facilitate early buy in through draft discussions of each required technical report and it would allow for early detection of problematic factors identified in each technical report as they are submitted and would allow for immediate and agreed upon solutions to any problems raised by the reviewers. The result would be an agreed upon timeline that could be adhered to and thus maintain the momentum of the process and avoid added work or duplication. An agreed upon schedule would ensure accountability on the part of both the proponent and reviewer to deliver a result in a timely manner.

*Can you identify any areas in the environmental assessment process that could be better streamlined with the municipal planning process or with other provincial processes?*

The Province should remain the regulator of first order. Provincial processes and approvals should supersede any municipal or developer planning process however there needs to be an interconnection between the three parties. This correlation should be reviewed on a regular basis so as to maintain a balance and the efficacy of the process. Too often municipal planning processes make assumptions about Provincially approved projects, their lifespan or current status. Municipalities should be conscious of the zoning of lands around infrastructure such as landfills and airports, and where industrial zoning would be preferred and more appropriate to residential zoning. This happens often in the waste management business where a piece of waste infrastructure such as a landfill, is in place for 20-30 years, begins to have issues with residents because the municipality approved land as residential too close to a facility or a developer misrepresented the lifespan of than facility.

*What advantages and disadvantages do you see with the ministry’s environmental assessment process being the one-window for other approval/permit processes?*

We have heard a lot of discussion in the past of a one-window or concierge approach for approvals and the permitting process without much guidance or insight as to how a one-window approach would work.

The concept on the face of it has value and merit but we would better need to understand how it would be structured, integrated into the entire process and then implemented across the Ministry/Ministries.

Of concern is the capacity, workload and time available of ministry staff to deal with this approach and to ensure there was consistency throughout the one-window process.

*What areas of the environmental assessment program could benefit from clearer guidance from the ministry?*

Reviewers should be given guidance to focus on the scientific completeness and technical merits of a proposal. This could be aided by taking a more “development” enabling approach to projects that are subject to EA and while protecting the environment reviewers should find ways to help a project be successful rather than on ways to stop it.

Consultation is another area where clear guidance is required by the Ministry and/or other Ministries. The consultation instructions and scope require more clarity and involvement from the line Ministries, and could help accelerate the process, similar to the other jurisdictions.

*What other actions can we take to reduce delays and provide certainty on timelines for environmental assessment?*

Timelines are more of a suggestion and are not definitive. In addition to a predetermined schedule and agreed upon timelines by the parties as discussed above legislating and mandating the timelines would speed the process up significantly and bring a level of certainty and the ability to plan to proponents.

*What are the advantages and disadvantages of using a sector-based terms of reference?*

Using a Terms of Reference on the whole is neither an advantage or disadvantage, rather it is what is required of the proponent to demonstrate in the ToR that makes it useful or not. As previously outlined, its is not a good use of the proponent’s or Ministry’s time to have a private proponent justify the “opportunity”, “need” or “ alternatives to” for their proposal when they have an existing operational business and customer base.

*Are there other ways we could improve our review timelines?*

The proponent and government review team should agree to a review timeline and schedule and deadlines should be adhered to.

***4. Go digital by permitting online submissions***

*How would you like to be consulted on environmental assessment projects?*

The current system of having an assigned project officer is positive in that it gives the proponent a point of contact. However, because project approvals are –taking up to 5-10 years, project officers change on a file and it would be beneficial to devise a system where there is as little interruption as possible if and when the project officer changes. A better integration of personnel and data is required; this would prevent a restart every time that personnel on a file change.

A combination of digital submission of required documents which would eliminate paper production of the same and direct person to person dialogue with ministry staff regarding the submission of these documents should they identify issues. Notwithstanding the interpersonal contact mentioned above (which would only be required if issues arise regarding the submitted documents) a digital tracker should be kept outlining the status of the process at every milestone of the process.

*Would an online environmental assessment registry be helpful for you in submitting an environmental assessment or accessing environmental assessment information?*

Yes, far too much physical paper is required and adds to the delays experienced in the EA process. A simple example of this is the printing and translation of the government review document of the EA. A process that is estimated to take 4-5 weeks often takes 2 months because the Queens Park Printer and the Government translator are required to be used. This adds an additional month to the process, which could be detrimental if for example when capacity is tight at a landfill. The required documents do not need to be printed for public review in public spaces like a library; they should be online for public review and commenting, further expediting the process. The irony here is that we should be producing less paper not creating more.

*What type(s) of environmental assessment project information would you like to access online?*

As much information as possible should be accessible online. This would save time on both proponent and government sides, as it would cut down the paper interactions between the proponents, their consultants, the project officer and their managers. This would in turn free up time within the Ministry for reviewers and would create more time for direct consultation between the parties, further reducing overall timelines.

*Are there any existing online tools that would be appropriate to use for environmental assessment information?*

It would be helpful to understand what online tools are available to the government and proponents (a catalogue) that could expedite the EA process.