



Applying for an Environmental Compliance Approval

Environmental Compliance Essentials

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Air Practitioner's Group - AWMA

This Presentation Covers...

- Answers to frequently asked questions including:
 - What happens to existing CofAs?
 - Environmental Compliance Approval (ECA) minimum application requirements
 - EBR requirements for ECAs
 - The Environmental Activity and Sector Registry (EASR)
 - Having both approvals and registrations covering a site

Environmental Approvals Process

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Electronic service delivery

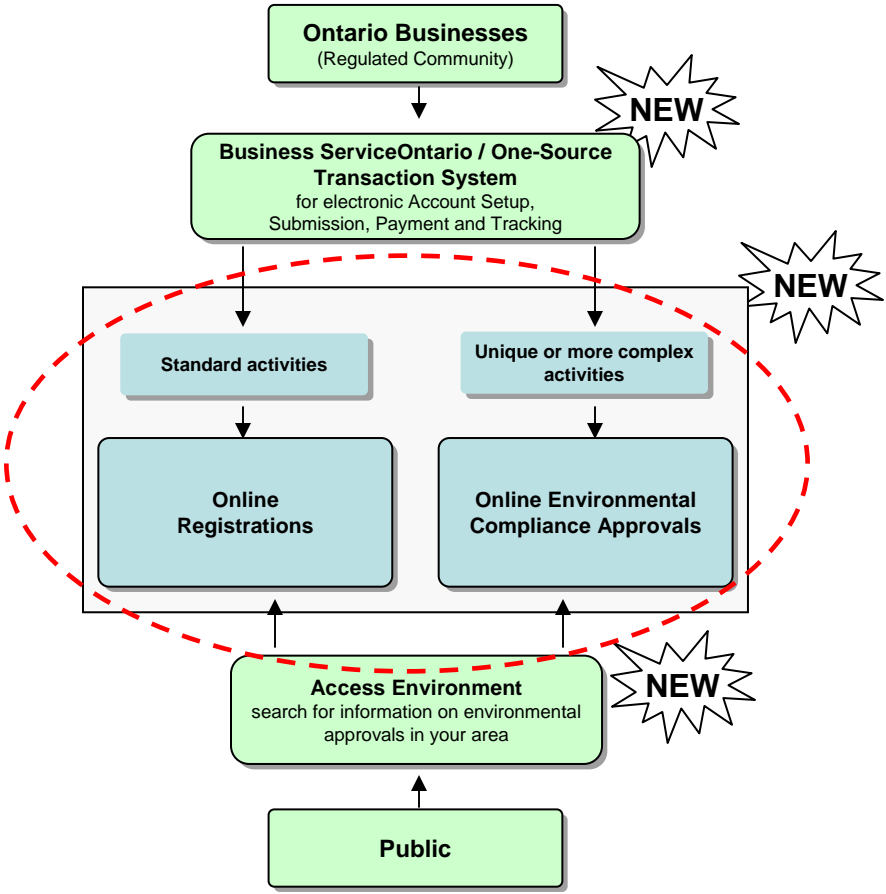
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Two path process for protecting the environment

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Public transparency

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The Certificate of Approval

What happened to my previously-issued CofA?

- On October 31, 2011 the EPA deemed any reference to an Environmental Compliance Approval in the Act and regulations to include certificates of approval
- If you currently hold a CofA, you do not need to do anything; existing Cs of A and their terms and conditions will continue and they can be amended, reviewed, suspended and revoked as if they were an ECA

I hold a CofA, what do I do if I need an amendment?

- If you need an amendment to your CofA, you will use the new ECA Application Form and apply for an amendment - resulting approval will be called an ECA and would not necessarily impact any of your other Cs of A

CofA vs. ECA

CofA

- CofA (air), CofA (waste) etc...
- Media specific, multiple approvals for single site
- Site specific
- System-wide approvals not possible
- “Operational Flexibility” primarily for air (comprehensive CofA)
- Existing CofAs only reviewed when person applies for an amendment
- Application requirements not prescribed
- EBR requirements vary

ECA

- No media label attached to approval
- Can be multi-media, 1 approval per site
- 1 approval covering multiple sites
- Ability to issue an approval for systems like municipal sewage works
- “Operational Flexibility” possible for all media
- Director has ability to request a person to submit for an approval review
- Minimum application requirements now in regulation
- EBR and hearing requirements harmonized

Environmental Compliance Approvals (ECA)

Do I now have to apply for a multi-media approval?

- No, the legislation does not require an application for a multi-media approval – unless you choose to, or the Director requires you to submit one
- The facility-wide (multi-media) approval is a useful new option when applying for an approval for a new facility, or if you wish to consolidate your existing CofA approvals

What is meant by a “complete ECA Application”?

- Established minimum application requirements that are needed before the ministry begins a review (outline in O.Reg. 255/11) of any ECA application

What happens if I miss or leave out a requirement?

- Ministry may return the application without a decision, review the application, or ask for more information

If my application is returned what do I have to do?

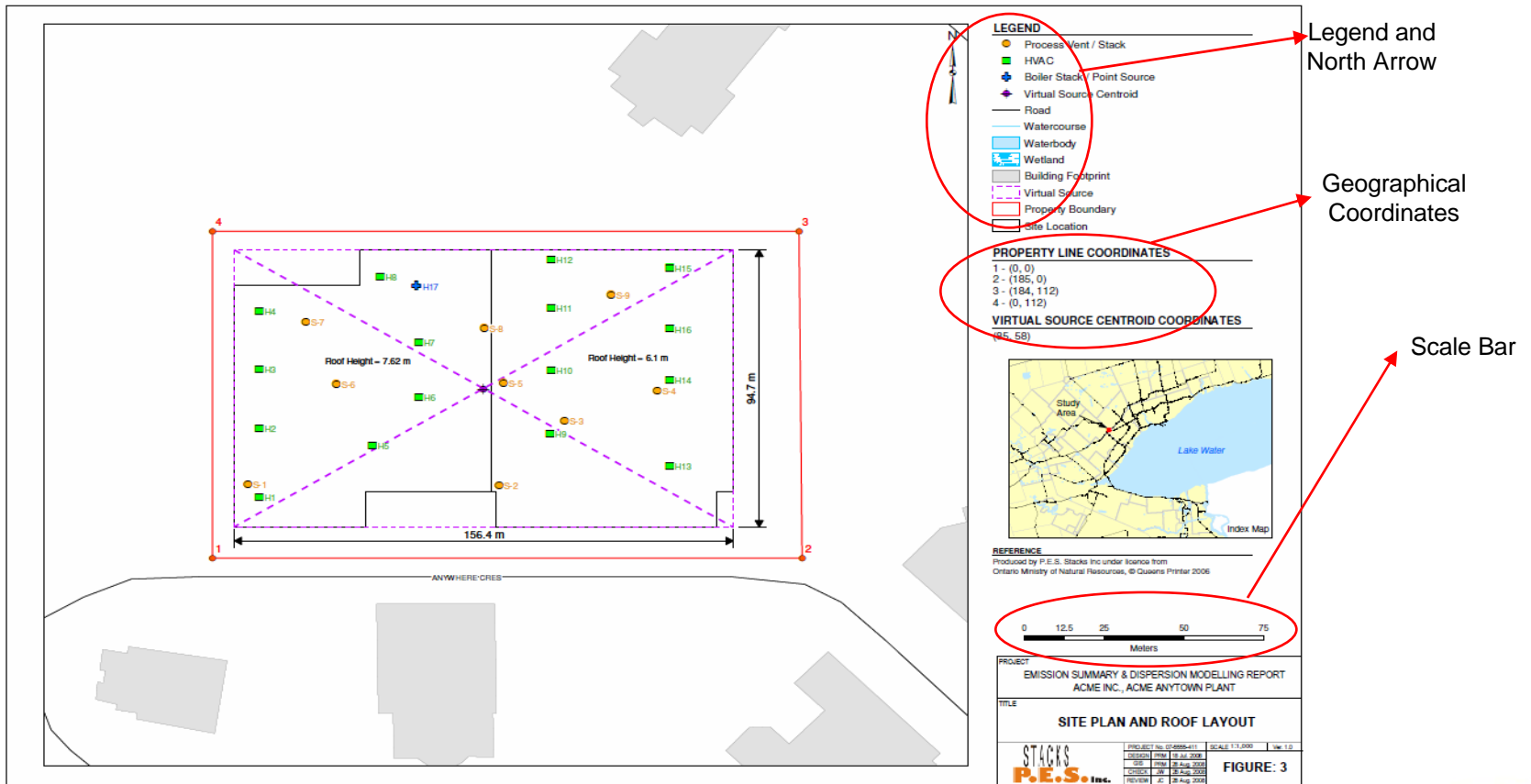
- You may re-submit your application, after providing any missing information
- The application and review process would then start from the beginning

Environmental Compliance Approvals (ECA)

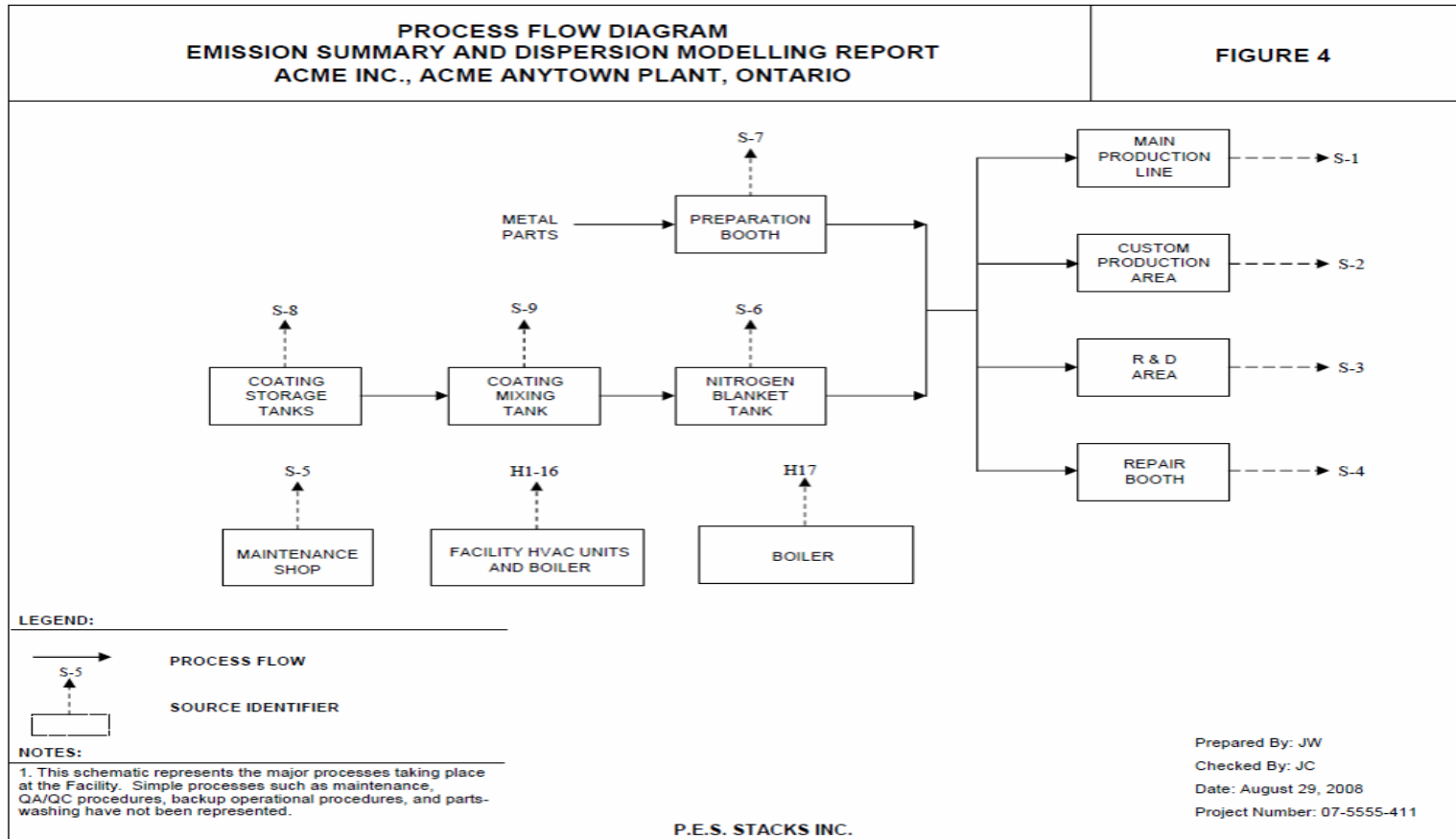
What are the types of minimum application requirements?

- *Process Requirements:*
 - Use the correct application form and provide all the applicable information requested
 - Signatures attesting to the completeness and accuracy of the information
 - Applicant and Technical Contact signatures
- *Project Information Requirements:*
 - Detailed project and process description, incl. a summary project description
 - Information around ownership, land use, and zoning of the site
 - A site plan
 - A list of all other, applicable approvals, orders or instruments under specified Acts
 - Maps, plans, and drawings must adhere to minimum information standards (some exemptions)

Examples of Minimum Application Requirements



Examples of Minimum Application Requirements



Environmental Compliance Approvals (ECA)

How are these requirements different from what was previously required?

- The regulation does not change the technical information requirements – these requirements are listed in current guidance documents
- The difference is that the regulation now stipulates minimum information that must be included in the application

What is limited operational flexibility?

- Limited Operational Flexibility was a feature formerly available in a “Comprehensive Certificate of Approval,” allowing the Director to impose specific terms and conditions in a Certificate of Approval
- An ECA with Limited Operational Flexibility permits applicants to make some modifications to specifically defined aspects of their facility’s operations or works without having to obtain an amendment to the approval
- Limited Operational Flexibility also allows applicants to plan and make changes to their facility in a timely manner, reducing delays that would occur if they had to obtain a new or amended ECA

Environmental Compliance Approvals (ECA)

Examples of Operational Flexibility

Production Rates

- *“...operating at a Facility Production Limit of up to 2,190,000 mechanical parts assembled per year and up to 1,095,000 electrical components assembled per year...”*
- *“...operating at a Facility Production Limit of up to 2.95 million kilograms of plastic resins used per year...”*

Process Modifications

- *“...ability to make modifications to the works provided that there are no modifications to effluent quantity, quality and discharge location...”*
- *“...modifications that do not result in an increase of the rated capacity of the works...”*

ECA Forms and Guidance

New Document	What It Replaces
ECA Application Form	<ul style="list-style-type: none">• Replaces and consolidates application forms related to Air, Waste, Wastewater<ul style="list-style-type: none">- Application for approval (Air & Noise)- Application for a certificate of approval for a waste disposal site- Application for approval of a waste management system (electronically fillable and print versions = 2 separate documents on internet)- Application for a certificate of approval for a waste management system for mobile processing (electronically fill-able and print versions = 2 separate documents on internet)- Application for approval of sewage works
ECA Guide (Upcoming EBR posting)	<ul style="list-style-type: none">• Replaces and consolidates these guidance documents<ul style="list-style-type: none">- Guide for applying for approval (Air & Noise)- Guide for applying for approval of a waste disposal site- Guide for applying for approval of a waste management system- Guide for approval for a waste management system for mobile processing (electronically fill-able and print versions = 2 separate documents on internet)- Guide for applying for approval of sewage works

Studies and Reports

Do sources that are eligible for the Registry need to be considered in an ESDM report?

- Automotive refinishing facilities that are eligible for the EASR do not have to prepare ESDM reports in order to register
- The EASR regulation limits the types of heating and standby power systems to those that have low potential to impact the environment
- Additional operating conditions in the EASR regulation further minimize environmental impacts
- Heating systems and standby power systems that are eligible and registered on the EASR do not need to be assessed in an ESDM

Do sources that are eligible for the Registry need to be considered in an Acoustic Assessment report?

- NPC guidelines taken into account in assessment of EASR activities
- Automotive refinishing facilities that are eligible for the EASR do not have to prepare acoustic assessment reports in order to register
- Eligibility and operating criteria in the EASR regulation limits noise impacts from the types of heating and standby power systems that are allowed to register
- Heating systems and standby power systems that are eligible and registered on the EASR do not need to be assessed in an AAR

Environmental Registry (EBR)

Issue	Previous CofA Process	New ECA Process
Will my application be posted on the Environmental Registry (EBR)?	Class I, Class II or Class III instruments would be posted on the EBR. Each Class has different consultation requirements.	ECAs are all Class II instruments. Class II instruments are posted on the EBR for a minimum of 30 days.
What is exempt from EBR consultation?	Separate exemptions existed depending on the class of the instrument.	Same exemptions exist for the new ECA instrument.
What are the Environmental Review Tribunal hearing requirements prior to an approval being issued?	No hearing requirements for air/noise approvals. Waste and sewage works applications had either a mandatory or discretionary hearing - the entire application was considered at the hearing.	All applications are subject to discretionary hearings. The Director may decide to send any ECA application or part of the application for a discretionary hearing.
Will my approval be subject to appeal?	Applicants could appeal a Director's decision and could also appeal a decision from the ERT. A third party could seek leave to appeal a Director's decision and if they were a party to the hearing at the ERT, could also appeal the ERT's decision.	The same as before but appeal can only be about the terms and conditions of the approval that were changed or new.

Environmental Activity and Sector Registry (EASR)

Common Questions:

Will activities eligible for the Registry also have to get an ECA?

What if I have an existing approval for an activity that can be registered?

What if I have an approval with some activities that are eligible for the EASR and some that are not?

What if I do not have an existing approval?

What if I want to always keep my eligible activities in an ECA?

ECA/EASR Scenarios

Scenario 1: No existing approvals, engaging in new EASR activities only

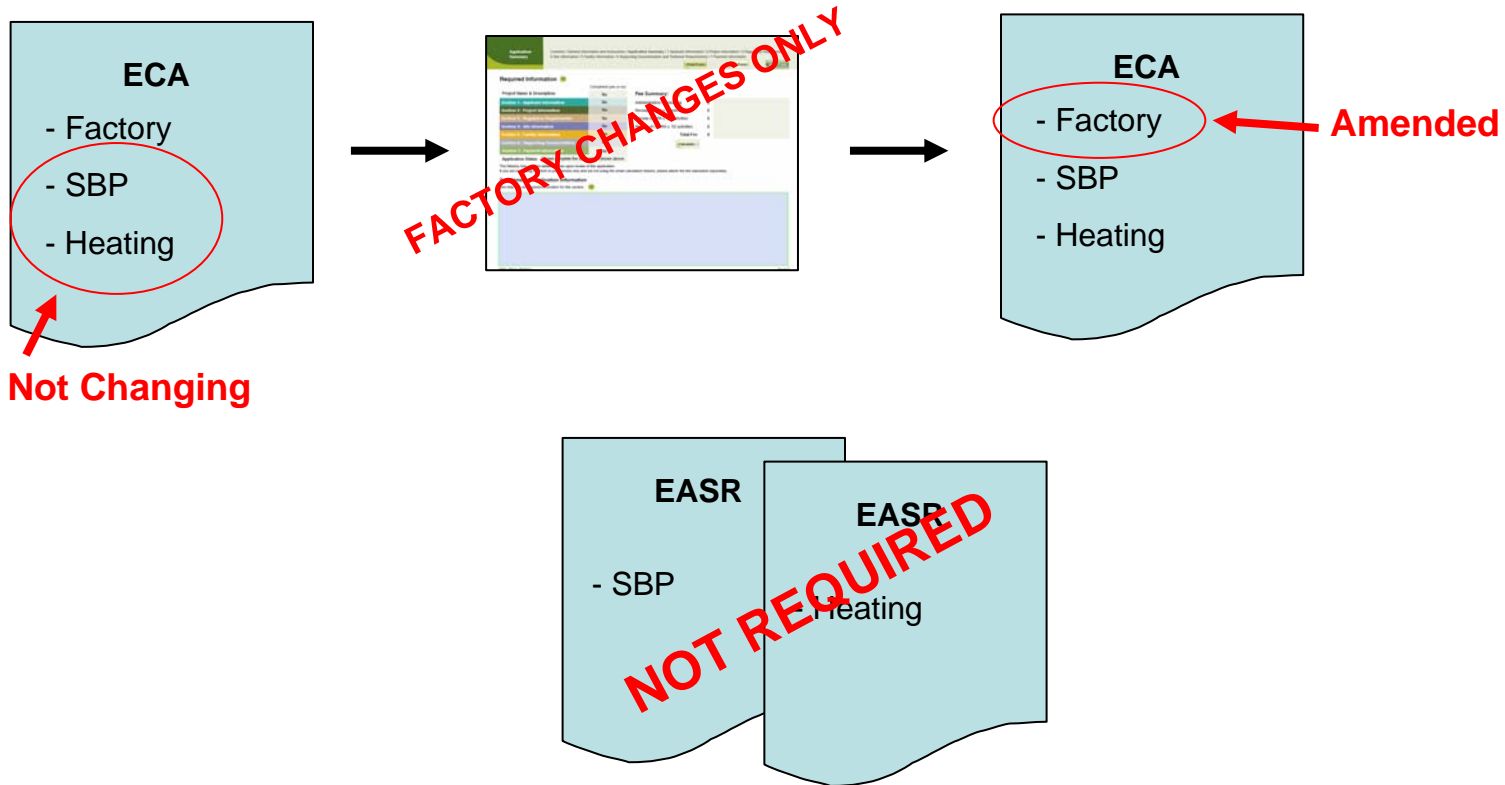


Scenario 2: No existing approvals, engaging in EASR and Non-EASR activities



ECA/EASR Scenarios

Scenario 3: Existing approval with EASR and Non-EASR Activities, amending non-EASR activities only (pre-October 31, 2016)



ECA/EASR Scenarios

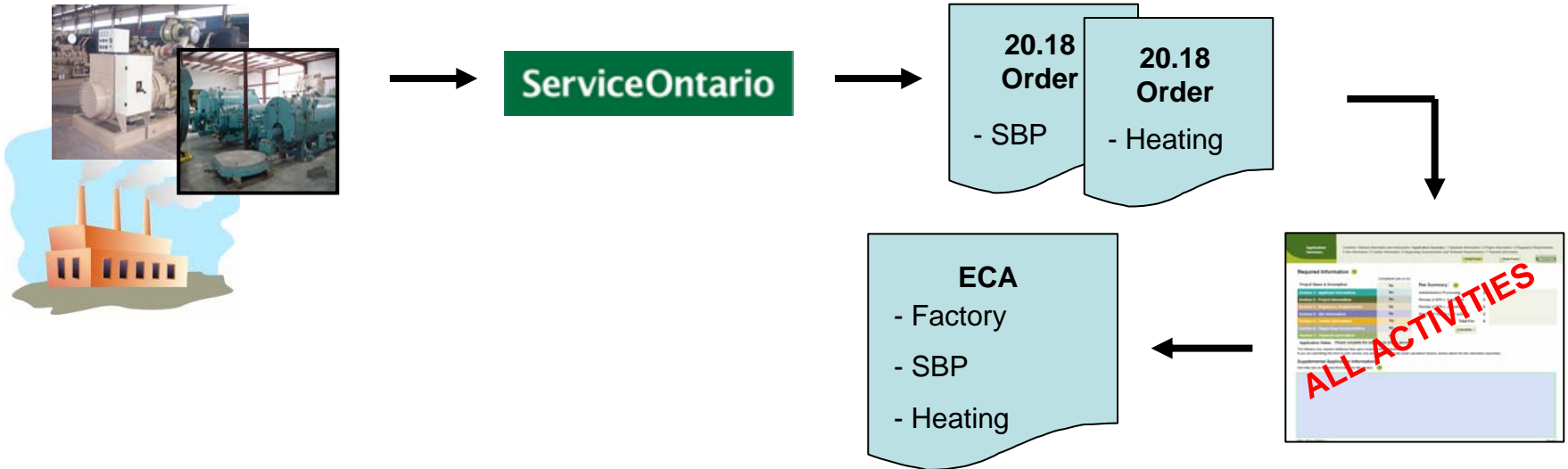
Scenario 4: Existing approval with EASR and Non-EASR Activities, want to make changes to EASR activities



- Do not need to amend your ECA
- Parts of ECA related to heating and standby power system cease to be in effect once EASR activities are registered
- On October 31, 2016 you will need to register EASR activities whether they are changing or not (as required by O. Reg. 245/11)

ECA/EASR Scenarios

Scenario 5: I want to keep both EASR and non-EASR Activities in an ECA



- Orders must remain in effect for as long as you will be engaging in the activities
- Requirements of O. Reg. 245/11 would not apply
- Previously 'eligible' activities would now be subject to all requirements to obtain an ECA (i.e. application form, fees, studies, engineering review, 'complete application' requirements etc...)

Compliance

How is compliance going to be addressed with ECA and EASRs?

- All existing compliance tools available for both ECA and EASR
- For EASR – ability to either suspend or remove registrations (s. 20.23 of Environmental Protection Act)
- For ECAs – ability to require regular review of ECA and update its conditions as necessary
- Enhanced Access Environment website for public to view ECAs and EASRs
 - Registrations are posted on the Access Environment website instantly when a registration is submitted

- Let us know about comments/concerns on ECA or EASR processes.
- For more information visit our website or write us with ideas or comments at:

approvals.modernization@ontario.ca



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