

TO:	CHAIR AND MEMBERS WASTE MANAGEMENT WORKING GROUP MEETING ON JANUARY 19, 2017
FROM:	JAY STANFORD, M.A., M.P.A. DIRECTOR, ENVIRONMENT, FLEET & SOLID WASTE
SUBJECT:	OVERVIEW OF INDIVIDUAL ENVIRONMENTAL ASSESSMENT (EA) PROCESS

RECOMMENDATION

That, on the recommendation of the Director of Environment, Fleet and Solid Waste, this report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Relevant reports that can be found at www.london.ca under City Hall (Meetings) include:

- Memorandum of Understanding with the Institute for Chemicals and Fuels from Alternative Resources - University of Western Ontario (December 12, 2016 meeting of the Civic Works Committee (CWC), Item #10)
- Establishment of a Waste Management Working Group (December 5, 2016 meeting of the Strategic Priorities and Policy Committee (SPPC), Item #2)
- Update and Next Steps: London Waste to Resources Innovation Centre and Green Shields Energy (October 4, 2016 meeting of the CWC, Item #10)
- Appointment of Consulting Engineer Long Term Solid Waste Resource Recovery and Disposal Plans (May 24, 2016 meeting of the CWC, Item #10)
- Individual Environmental Assessment Long Term Solid Waste Resource Recovery & Disposal Plans (October 6, 2015 meeting of the CWC, Item #14)
- Preliminary Concept for a London Waste to Resources Innovation Centre (February 3, 2015 meeting of the CWC, Item #4)
- City of London W12A Landfill Area Plan Study Meeting on Official Plan & Zoning By-Law Amendment (February 9, 2009 meeting of the Planning Committee, Item #15)

COUNCIL'S 2015-2019 STRATEGIC PLAN

Municipal Council has recognized the importance of solid waste management in its 2015-2019 - Strategic Plan for the City of London ([2015 – 2019 Strategic Plan](#)) as follows:

Building a Sustainable City

- Strong and healthy environment
- Robust infrastructure

Growing our Economy

- Local, regional, and global innovation
- Strategic, collaborative partnerships

Leading in Public Service

- Proactive Financial Management
- Innovative & supportive organizational practices
- Collaborative, engaged leadership
- Excellent service delivery

BACKGROUND

PURPOSE:

This report is to provide the Waste Management Working Group with an overview of the individual Environmental Assessment (EA) process.

CONTEXT:

In October 2015 Municipal Council directed staff to proceed with the development of long term Resource Recovery Strategy and Residual Waste Disposal Strategy for the City of London.

The Resource Recovery Strategy involves the development of a plan to maximize waste reduction, reuse, recycling, resource recovery, energy recovery and/or waste conversion in an economically viable and environmentally responsible manner. Resource Recovery strategies (i.e., often known as waste diversion strategies) are developed and approved at the local government level and do not require Provincial government approval. However, these strategies do serve as input into Provincial government decision-making as related to approval of the Residual Waste Disposal component.

The Residual Waste Disposal Strategy involves the development of a long-term plan to manage residual waste (waste after resource recovery) and involves completion of an Individual Environmental Assessment (EA) as prescribed by the Ministry of Environment & Climate Change (MOECC). The Individual EA requires approval by the Minister of Environment & Climate Change and Cabinet.

DISCUSSION

Individual EAs

Individual EAs are prepared for large-scale, complex projects with the potential for significant environmental effects. They consist of two phases.

Individual EAs have some similar requirements as Streamlined EAs (includes Class EAs); however the most notable differences include the lengthy process for the development of the Terms of Reference (ToR), the level of detail for impact analysis and direct involvement from the Minister in the approval process.

The first phase of the Individual EA process is the development and approval of a ToR by the Minister. The ToR becomes the framework or work plan for the preparation and review of the individual EA. The public and other interested persons will have an early opportunity to be involved in the ToR process to get information about proposals that may affect them, and allow them to decide early on about the level of their concern and their need for continued participation in the planning process. The ToR allows the proponent to produce an environmental assessment that is more direct and easier to review by interested persons.

The second phase of the individual EA process is completion and approval of an EA. The proponent completes the EA in accordance with the approved ToR. The proponent then submits the completed EA to the Minister for approval. Neither an approved ToR nor an EA prepared in accordance with an approved ToR guarantees that the Minister will approve an application to proceed with a proposed undertaking. The key steps in each phase of the EA process are shown in Figure 1 and summarized below.

Phase One: Development and Approval of a ToR

Step 1: Develop ToR (City)

Key features in the development of the ToR are:

- Notice to interested persons and groups of the start of the ToR process;
- Community engagement with the public, Aboriginal communities and government agencies; and,
- Completion of a final ToR document that includes:
 - the purpose of the study or undertaking
 - a description of and rationale for the undertaking and for alternatives
 - an outline of the plan for preparing and evaluating the environmental assessment
 - a description of the existing environment and potential effects of the undertaking
 - a description of the community engagement process and how input was considered

Additional details of the community engagement program referred to above are provided in a separate Waste Management Working Group report on this agenda. Additional details on how the City proposes to complete the ToR will be provided in future Waste Management Working Group reports.

Step 2: Submit ToR (City)

When submitting the ToR to the MOECC, the City must send a notice to interested persons and groups.

Step 3: Government and Public Review of ToR (MOECC)

The MOECC will consult with the public, Aboriginal communities and government agencies about the ToR and make a recommendation to the Minister who decides whether or not to approve the Terms of Reference.

Step 4: Minister's Decision on ToR (MOECC)

The Minister can refer a matter to mediation before making a decision or the proponent can begin the mediation process. The Minister can approve or reject a ToR but cannot refer a ToR to a hearing.

Phase Two: Completion and Approval of an EA

Step 5: Complete EA (City)

Key features in the completion of an EA are:

- Notice to interested persons and groups of the start of the ToR process;
- Community engagement with the public, Aboriginal communities and government agencies ;
- Completion of EA in accordance with the ToR; and,
- Completion of a final EA document that includes:
 - the community engagement process and how input was considered
 - environmental effects that may be caused
 - actions to prevent, reduce and manage environmental effects
 - a review and evaluation of alternatives considered
 - results of the planning and decision-making process

Step 6: Submit EA (City)

When submitting the completed EA to the MOECC, the City must send a notice to interested persons and groups.

Step 7: Public and Government Review (MOECC)

The MOECC will consult with the public, Aboriginal communities and government agencies about the EA.

Step 8: MOECC Review (MOECC)

The MOECC review looks at all public, Aboriginal community and government agency comments, the proponent's response to the comments, whether the proponent is in compliance with your approved ToR and if proponent has met the requirements of the *Environmental Assessment Act*.

Step 9: Public Inspection on the Ministry Review (MOECC)

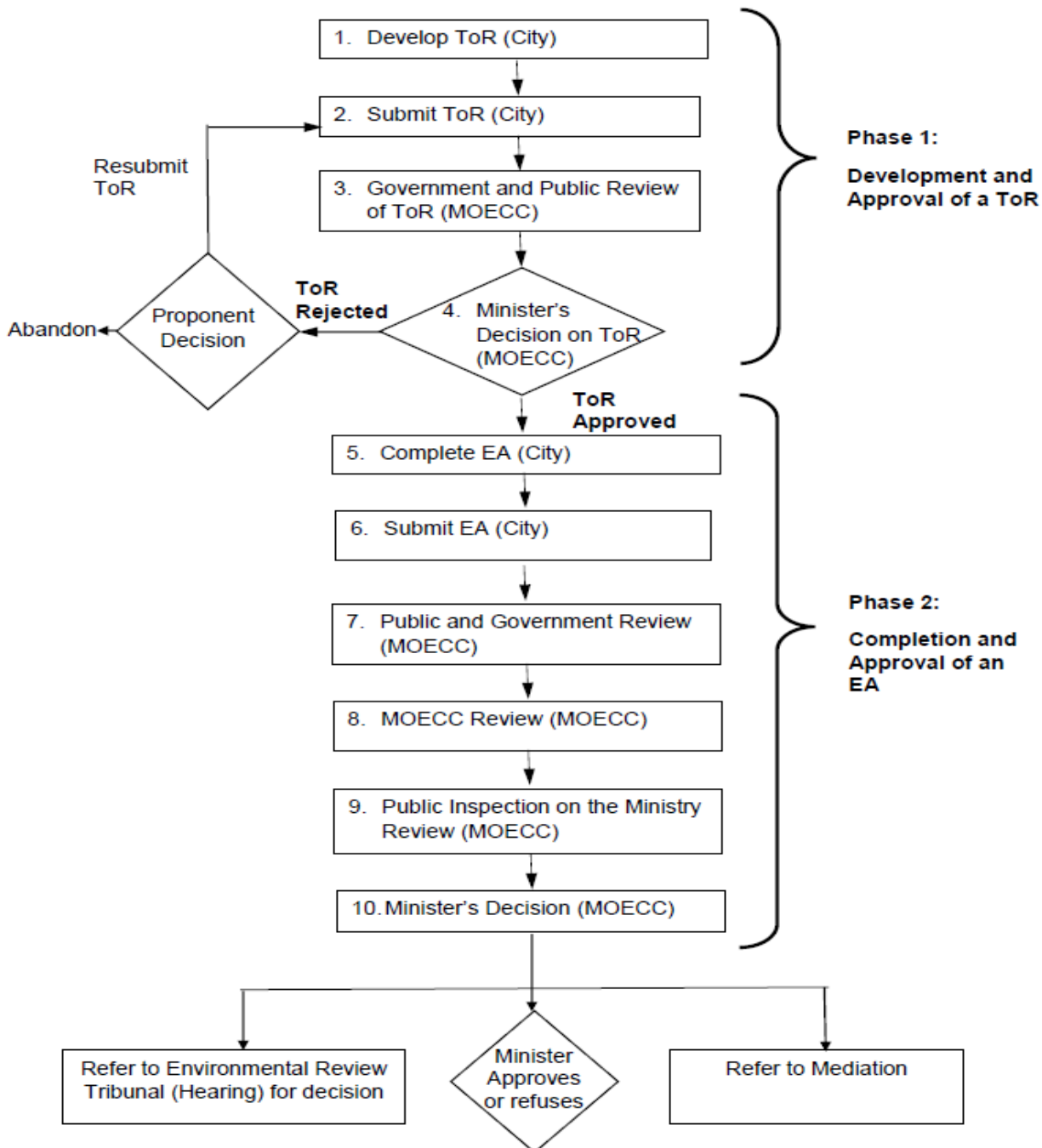
The public, other government agencies, Aboriginal communities or any other interested party has the opportunity to provide written comments on the MOECC review to identify any outstanding issues with suggestions for how they might be resolved and to request a hearing.

Step 10: Minister's Decision (MOECC)

The environmental assessment must be approved by the Minister and Cabinet before the project can proceed. The Minister may:

- refer the EA to mediation;
- refer the EA to the Environmental Review Tribunal for a hearing; or,
- make a decision to approve, approve with conditions, or refuse the EA.

Figure 1 – EA Process Overview



ACKNOWLEDGEMENTS

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