

Environmental Assessment Planning

*Prepared for the New and Emerging
Technologies, Policies and Practices Advisory
Group, City of Toronto*

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**Lawson Oates, Solid Waste Management
Services, City of Toronto**

Presentation Overview:


 **Main points from previous presentation**


 **Issues**

 **Options**


 **Pros and Cons**


Definition of Environmental Assessment (“EA”)

 It is a decision-making process used to promote good environmental planning by assessing the potential effects of certain activities on the environment.


 In Ontario, the “Environmental Assessment Act” is designed to provide for the protection, conservation and wise management of Ontario’s environment.

EA Terms of Reference (“TOR”):

 **The Minister’s approval of a “Terms of Reference” is required before work begins on the individual EA.**

 **Once approved, the Terms of Reference set out a framework that will guide and focus the preparation of an EA.**

Draft Terms of Reference

 The “proponent” prepares the Terms of Reference that outline:

- background to the proposed undertaking

- (an “undertaking” is an enterprise, activity, proposal, plan or program)


- a description of the proposed undertaking


- the study area and potential effects

- preliminary evaluation criteria


- a preliminary work plan


EA Public Consultation


 **The Terms of Reference must be accompanied by a description of the public and agency consultation that was undertaken during the preparation stage.**


 **The Terms of Reference must also describe the kinds of public/agency consultation that will take place during the preparation of the EA.**

EA Review Process


 **The Terms of Reference undergo public (30 days) and government agency comment and review - 12 weeks in total.**

 **Following this review the Minister may approve, approve with amendment or decline approval.**

 **Terms of Reference can be amended with Minister's approval.**

 **When reviewing the EA the Ministry staff ensure that the EA followed the process set out in the approved Terms of Reference.**

Post-MOE Review

 Upon completion of the public, agency and Ministry review of the EA document the Minister decides whether to:


- refer all or part of the EA to an EA Board for a hearing;


- Refer the EA or a particular issue to mediation; or
- approve the EA or approve with conditions

- or, can deny the EA


 30 week review process


Ministry Feedback:


 **Due to the fact that we are considering “new and emerging” technologies the Ministry of the Environment staff have advised that in their opinion an individual EA is warranted.**

 **This would apply if the City or a private sector proponent(s) pursued the undertaking.**

Issues

 **Does or should an EA apply? And if it should apply how should it apply?**

 **What would an EA apply to?**

 **An EA requires:**

- (1) a description of the purpose of the undertaking;**
- (2) a description of and a statement of the rationale for the (i) undertaking; (ii) the alternatives to the undertaking (i.e. alternative solutions); and (iii) the alternative methods” of carrying out the undertaking.**

EA Example No. 1: Improving Transportation between Newmarket (905) and Downtown Toronto.

- ☞ Need: A growing “need” has been identified for improved transportation between Newmarket and Toronto due to increased daily movement of commuters driving cars resulting in traffic congestion, an increase in accidents, and longer travel times.
- ☞ Proposed Undertaking: To improve transportation capacity between Newmarket and downtown Toronto.
- ☞ Goal: Through an EA arrive at a “preferred alternative”.

Alternative Solutions. Listed below are examples of alternative solutions that could be considered in the EA on the improvement of transportation capacity between Newmarket and Toronto.

- ☞ “Do Nothing” option (provides information on what may occur if no action is taken)
- ☞ build a new highway to address increased demand
- ☞ expand existing highways
- ☞ introduce land use changes to promote industrial/commercial growth in Newmarket reducing the demand for highway use
- ☞ introduce a financial penalty in the form of a toll to reduce highway demand
- ☞ expand public transit infrastructure (ex. light rapid rail line) and improve existing services (for example add more buses)

Alternative Methods. Listed below are examples of alternative methods of building a new highway, assuming that is the selected alternative solution.

- ☞ selection of the route
- ☞ design components of the new highway (for example the number of lanes in each direction)
- ☞ types of materials to be utilized in the highway construction

EA Example No. 2 : Managing Toronto's residual solid waste.

- ☞ Need: Toronto City Council has established a policy of 100 percent diversion from landfill by 2010.
- ☞ Proposed Undertaking: To engage new, emerging, proven and existing technologies and new and emerging policies and practices to process up to 40 percent of Toronto's residual solid waste.
- ☞ Goal: Through the EA arrive at a “preferred alternative”.

Alternative Solutions. Listed below are examples of alternative solutions that could be considered in an EA on the processing of up to 40 percent of Toronto's residual solid waste.

- ☞ “Do nothing” option - maintain status quo by continuing to landfill residual in Michigan
- ☞ adopt new and emerging policies and practices
- ☞ utilize proven and existing technologies
- ☞ utilize advanced thermal technologies such as gasification, pyrolysis and plasma arc
- ☞ utilize chemical, biological or physical technologies (potentially in combination)
- ☞ utilize mass burn incineration
- ☞ utilize alternative landfills

Alternative Methods. Listed below are examples of alternative methods that are applicable to each alternative solution listed in the previous slide (aside of the “Do Nothing” option).


- 📄 the selection of location(s) for a facility(ies)
- 📄 the capacity of the facility(ies) (i.e. how many tonnes can be processed in a year)
- 📄 design options

Options for the timing of EA Terms of Reference:


- ☞ **Could be undertaken now, prior to consideration of alternative solutions.**
- ☞ **Could be undertaken following consideration of alternative solutions or after consideration of alternative solutions and alternative methods.**
- ☞ **Could be undertaken at the time of RFP issuance**
- ☞ **Could be undertaken once a technology(ies) is chosen.**


☞ **Question is when to integrate and how to integrate EA into overall planning process?**

Proponency Options:


 **1. Toronto becomes the proponent and maintains this role through the entire process.**


- Question of when does the vendor(s) come in?


 **2. City and the vendor(s) work in combination as co-proponents.**


 **3. Vendor(s) is required to take on role as proponent.**

Proposed Role of Advisory Group:


 **Provide recommendation to proceed through EA process or recommend City seek a Minister's exemption (Declaration Order.)**


 **Provide recommendations on scope of draft Terms of Reference.**

 **Provide recommendations on the “alternatives to the undertaking” (i.e. alternative solutions) and the “alternative methods of carrying out the undertaking”.**

 **Provide recommendations on what impacts are to be considered (with linkage¹⁹ to comparative criteria)**

Timelines and Cost:

 **If proceeding with an EA need to integrate public notices, submission of draft Terms of Reference, EA process and Minister's decisions into the work of the Advisory Group.**

 **There is a financial cost for public consultation, public notices, development of Terms of Reference, EA study, and third party review.**

Pros and Cons of Proceeding with EA:

Pros:

- 📄 Adds credibility to the planning process
- 📄 Provides for public input and review
- 📄 provides for formal review of decision-making process

Cons:

- 📄 introduces decision-making power on the part of the Minister
- 📄 introduces additional time and cost
- 📄 introduces potential hearing process