

Community Liaison Committee Meeting

March 26, 2015

Port Fuels & Materials Services, Inc.

Environmental Screening



Environmental Screening Process

- Project is following the Environmental Screening Process (O. Reg. 101/07), specifically Section 11(1)2
- The Environmental Screening Report (Step 11) consolidated all information (technical and consultation-related) completed throughout the Screening Process (Steps 1-10) and was released for public and agency review on December 22, 2015
- Environmental Screening Report review period: December 22, 2014 – February 27, 2015

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Step 9	Identify Significant Net Effects and Resolve Concerns (if required)
Step 10	Conduct Additional Studies and Assessment (if required)
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Step 14	Submit Statement of Completion to the Ministry of the Environment & Climate Change

Studies Completed

- Based on the Screening Criteria and Potential Environmental Effects, the following studies were completed that assessed the proposed undertaking:
- Design and Operations Report
 - Surface Water Assessment
 - Geology and Hydrogeology Assessment
 - Land Use and Socio-Economic Assessment
 - Acoustic (Noise) Assessment
 - Air Quality Assessment (including Human Health Risk Assessment)
 - Natural Environment Assessment
 - Cultural Heritage Assessment
 - Traffic Assessment

Extensive documentation was provided for the above mentioned completed studies for public and agency review

Assessment Methodology - Recap

Based on the **Design & Operations Report**, each Study completed the following in their Stand Alone Assessment Report:

- Step 1: Baseline/Existing Conditions** - *what exists in the absence of the proposed undertaking?*
 - Secondary Source Information
 - Primary data collection/ Modelling
- Step 2: Identify Potential Effects on the Environment**
 - Based on Screening Criteria
- Step 3: Apply Mitigation Measures and Determine Net Effects**
 - Measures to mitigate and avoid the potential effect
 - Resultant net negative/ net positive environmental effect
- Step 4: Monitoring Requirements and Additional Approvals**
 - What future monitoring requirements will be implemented?

Elevation / Part II Order Requests

- Under the Environmental Assessment Act, any person may submit a request to the Director of the Environmental Approvals Branch (Director) of the Ministry of the Environment and Climate Change (MOECC), that the project be made subject to an order under Part II of the Environmental Assessment Act
- Part II Order requests were to be submitted to the Director within the specified review period outlined in the Notice of Completion (*i.e., December 22, 2014 – February 27, 2015*)
- If one or more requests for elevation are received within the review period, the proponent shall not proceed with the project until the Director makes a decision on the request for elevation
 - 7 Part II Order requests have been submitted to the Director
- Project Team is reviewing these requests at the present time and preparing additional information to address these requests

City of Hamilton Peer Review

- ❑ The City of Hamilton has hired consultants to conduct an independent technical Peer Review of the PFMSI Environmental Screening Report
- ❑ PFMSI has accommodated the City of Hamilton's request to continue discussions on the project until April 27, 2015 to facilitate the Peer Review
- ❑ Following completion of their technical review, the Peer Review team will bring forward a full report and recommendations for Council consideration, as a basis for a Council decision on whether or not an elevation request is warranted. Council meetings are scheduled for April 8 and April 22
- ❑ As per the Waste Management Project Guide, if the City and PFMSI are unable to resolve their concerns by this time, the City will have a further 7 calendar days (May 5, 2015) to submit an elevation request

Director's Review of Elevation Requests

- ❑ The MOECC will ask the proponent to submit information necessary to review the elevation requests

- ❑ The Director's review will consider the following:
 - basis of the request, (including the requester's participation in the Environmental Screening Process)
 - views of other government agencies and/or Aboriginal communities that have been consulted
 - potential for significant negative environmental effects
 - whether the project has properly been identified as a candidate for the Environmental Screening Process
 - proponent's ESR and any related project documentation
 - proponent's consultation program and attempts at dispute resolution
 - proponent's responses to concerns raised by interested persons
 - public benefits of subjecting the project to an Individual environmental assessment

- Within 30 calendar days of receiving all of the necessary information, the Director will decide to do one of the following:
 - A. Deny the request for elevation
 - B. Deny the request for elevation with conditions
 - C. Refer the matter to mediation before making a decision
 - D. Require the proponent to conduct further study before making a decision
 - E. Require the proponent to satisfy the requirements of Part II of the *Environmental Assessment Act*



Director's Decision

- Working under the assumption that the Project will move forward following the City's Peer Review and the Part II Order Request stage
- Proponent must complete a Statement of Completion form and submit a copy to the Director and Regional Coordinator
- The Proponent may proceed and implement the project in accordance with the ESR, including ***monitoring and commitments***, as well as any potential commitments from the Director, ***pursuant to further required approvals***
- Proponent must retain a copy of the ESR at the Site, or in another location, available to the Public. Monitoring results will be shared with interested parties.



Monitoring Requirements & Commitments

☐ Surface Water Commitments & Monitoring

- Design to specific operating objectives (i.e., sewer use by law limits, and best practices) and periodic monitoring programs, with ongoing tracking, to ensure that objectives are being met (i.e., discharge criteria not being exceeded) as recommended
- PFMSI will be required to apply for an MOECC ECA for the Facility to demonstrate compliance with the Ontario Water Resources Act (Section 53)

☐ Geology and Hydrogeology Commitments and Monitoring

- Anticipate that surface or groundwater monitoring requirements would be addressed and included as conditions of the site ECA issued by the MOECC

☐ Air Quality Commitments and Monitoring

- Facility will comply with all monitoring requirements as required by Ontario's Guideline A-7 for thermal waste treatment facilities as well as any monitoring, source testing and operating limits required by MOECC approvals obtained by the Facility
- PFMSI will be required to apply for an MOECC ECA for the Facility to demonstrate compliance with Ontario Regulation 419/05





Monitoring Requirements & Commitments

Acoustic Commitments and Monitoring

- As part of the MOECC ECA approval process an Acoustic Audit condition may be written into the ECA document that will require an independent third party Audit verify that the Facility meets minimum MOECC noise limits as applicable for each point-of-reception
- PFMSI will be required to apply for an MOECC ECA for the Facility to demonstrate compliance with Section 9 of the Environmental Protection Act and MOECC NPC-300 noise guidelines

Natural Environment Commitments and Monitoring

- Recommended monitoring requirements to mitigate effects on natural environment are generally associated with conscientious Site management, as follows:
 - Mechanism for staff to document wildlife sightings (e.g., comments on daily site inspection forms)
 - Monitor any artificial habitat structures for 2 years (min.) following construction to document use
 - Conduct annual inspection of Oil and Grit Separator to assess if clean-out is required, or more frequently as needed; document inspections and maintain records on Site

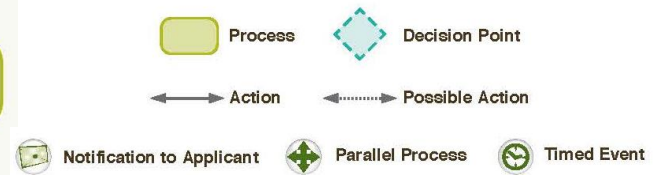
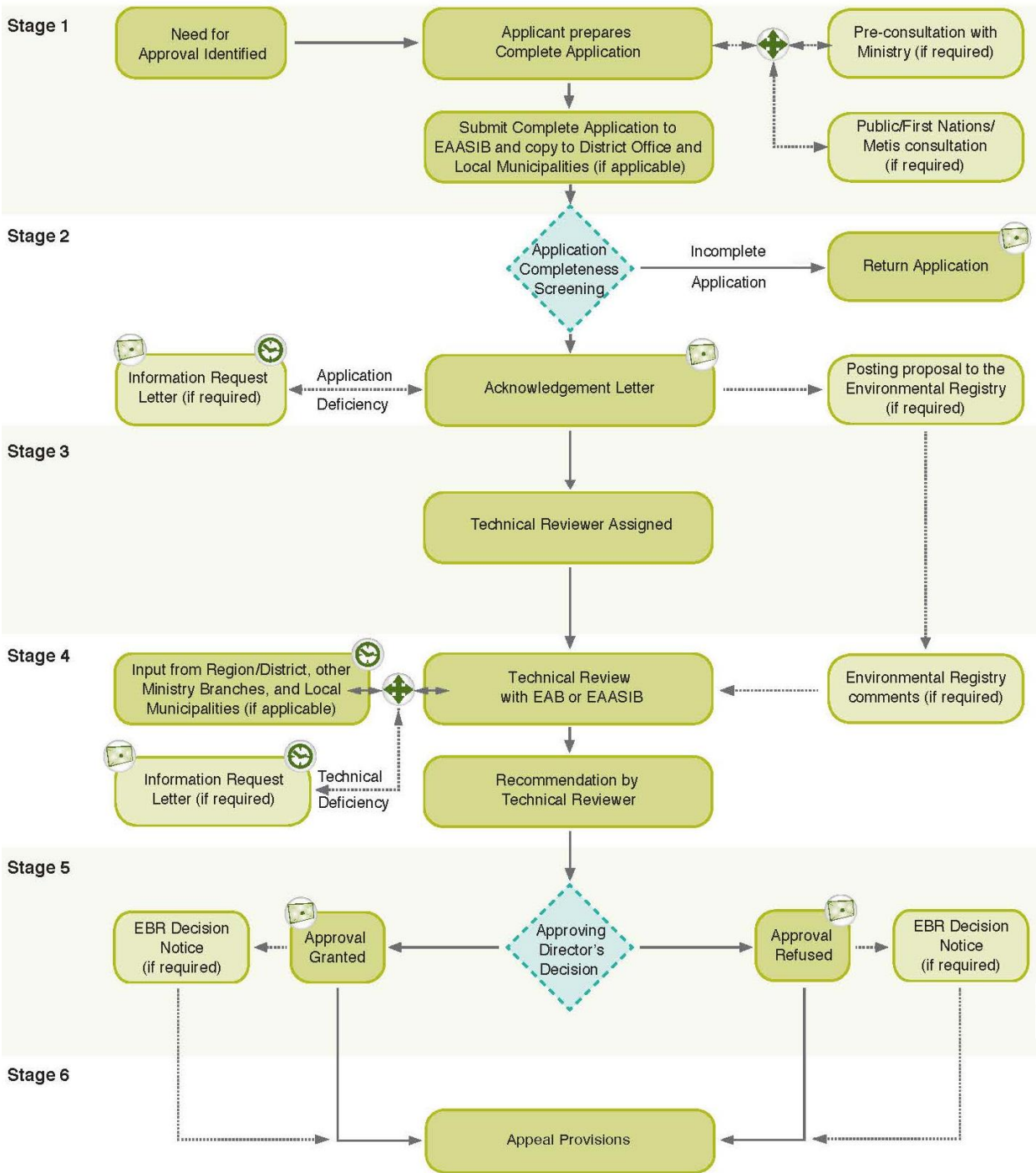
Continue open communication with Public and the CLC



Environmental Compliance Approval

- ❑ Environmental Compliance Approval (ECA) replaces the previous Provincial approval process known as the Certificate of Approval (CofA)
- ❑ An ECA is a legal document that explicitly permits and controls the manner in which the proposed facility may operate. They are binding and enforceable.
- ❑ An ECA is a multi-media approach, on a site-wide basis
- ❑ An ECA for the proposed undertaking is required under the following Acts:
 - Section 27 (waste) of the *Environmental Protection Act*
 - Section 9 (noise and air emissions) of the *Environmental Protection Act*
 - Section 53 (industrial sewage works – i.e., surface water management) of the *Ontario Water Resources Act*

Environmental Compliance Approval



MOECC (2012), Guide to Applying for an Environmental Compliance Approval



Environmental Compliance Approval

- The Reports prepared as part of the Environmental Screening for Air, Noise, Surface Water and the Design and Operations will be submitted to the MOECC with a completed ECA application form for review.
 - ESR information is sufficiently detailed that it is expected to meet the permit application requirements. Any additional information will be provided as requested by the MOECC
- The Director's decision will be posted to the Environmental Registry for a 45 day review period.
- The proponent, agencies and residents of Ontario have the ability to seek leave to appeal an ECA posted to the Environmental Registry under the EBR

□ Since the facility is located at the Hamilton Port, a Federal environmental effects determination according to the Canadian Environmental Assessment Act 2012 (CEAA 2012), Section 67, is required and is being undertaken by the Federal Authority involved, Hamilton Port Authority:

“67. An authority must not carry out a project on federal lands, or exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a project to be carried out, in whole or in part, on federal lands, unless:

(a) the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects;”

- The Federal process involves the identification of environmental effects and appropriate mitigation measures.
- For the Federal environmental effects determination, it is expected that the Provincial Screening will provide enough detail to make a determination and decision in accordance with Section 67 requirements of CEAA 2012
- The Federal process will be finalized once the ESR has been approved and the mitigation measures provided in the approved Provincial ESR will be reiterated and, if required, expanded upon.

Next Steps

- PFMSI is currently reviewing elevation requests received and will provide documentation and any necessary information to the MOECC to assist the Director in making her decision
- Review period for the City of Hamilton extended to April 27, 2015
- City will have until May 5, 2015 to submit an elevation request
- Subsequent Approvals beyond the Provincial and Federal EA will be required, including an ECA from MOECC

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