

OSPE Submission to Policy Proposal Notice EBR 011-5022 - Request for comments on *Guide to Applying for an Environmental Compliance Approval*

April 9, 2012

Background:

The Ontario Society of Professional Engineers (OSPE) is the voice of the engineering profession in Ontario. We advance the professional and economic interests of our members by advocating with governments, offering valued member services, and providing opportunities for ongoing professional development. We are pleased to respond to this policy proposal notice, which seeks public comments on the draft *Guide to Applying for an Environmental Compliance Approval* (the Guide). Our mandate is to promote the professional and economic interests of engineers, many of whom conduct environmental approvals as part of their jobs, and who are pleased to share their knowledge in the planning and implementation of the final Guide.

In response to the call for comments on the draft Guide, OSPE collected feedback from members with expertise in environmental compliance. This information is summarized below.

Response:

The new Environmental Compliance Approval (ECA) approach is based on the concept under the *Safe Drinking Water Act* which allows for pre-authorized approvals to make minor modifications to drinking water systems, including water main additions, modifications, replacements and extensions. The ECA extends this type of pre-authorization to air, wastewater and waste approvals. OSPE considers this a significant improvement over the previous Certificates of Approval processes. Several approval requirements are thereby unified under one umbrella and ECA holders are now allowed more flexibility to have certain changes made to previously approved systems without having to seek MOE permission for each change.

One suggestion is that, although OSPE realizes that drinking water approvals had already been reformed and therefore descriptions of them not needed in the Guide, it would still be helpful to have all types of MOE approvals summarized in the Guide, whether they reside with ECA or separately. Perhaps this could be done in an appendix.

Page 9 of the draft Guide lists the minimum application requirements. In this list is a bullet that says “you must provide financial assurance and rationale”. This statement is confusing and misleading as this is not a requirement of all types of applications. In one OSPE member's experience of 12 years in preparing these permit applications, the member has never been required to submit this information. Only very specific types of operations are required to include this information (usually dealing with waste treatment/landfilling, mobile PCB destruction equipment, sewage, permits to take water, approvals that contain conditions for specific pollution control equipment or abatement

timeframes, etc.). For the vast majority of air/noise permitting one would not be submitting financial assurance and rationale statements. OSPE thinks this statement needs to be clarified, if even to read “you must provide financial assurance and rationale (if it is required for your type of activity, operation, or approval)”.

In summary, the ECA approval process will allow MOE to focus on works that are environmentally significant and allow operational flexibility on works that are of known or minor impact to the environment. Also, the new ECA process will allow an 'umbrella' approach for approvals ranging from air emissions to discharge of water courses all at one site.

The draft Guide outlining the ECA procedures is well structured and serves as an excellent resource. Overall, OSPE supports the proposed Guide; it will make for more efficiency and clarity for engineers working in this field.