

## Environmental Compliance Approvals (ECA) for Closed-Loop Aggregate Wash Systems

### Issue:

Many members have recently received direction from Ministry of Environment, Conservation and Parks (MECP) Environmental Officers that under the *Ontario Water Resources Act*, ECAs are now required for closed-loop aggregate wash systems. It is the opinion of the MECP that an ECA is required for aggregate wash water systems because they meet the definition of sewage under the OWRA, are classified as sewage works, and are not exempted by any provision of the OWRA or the approval exemption (O.Reg 525/98).

Outlined in OSSGA's December 2018 Red Tape submission – *Addressing Duplication and Redundancy in the Aggregate Industry* - OSSGA's position is that ECAs should not be required for wash ponds utilizing a closed loop system for aggregate washing.

Members have also expressed concern that ECA application requirements for closed-loop wash ponds are unclear and that there are inconsistencies across Districts and Environmental Officers with respect to deadlines for submitting an ECA application for aggregate wash systems.

### Background:

On January 7, 2019, OSSGA and several members met with MECP to discuss the recent request for ECAs for closed loop wash ponds, application requirements, and implications for industry. The meeting was attended by representatives of the MECP which included Environmental Officers, Approval Services, Legal Service Branch and Program Services Units, and the Director.

Following the meeting, the Ministry agreed to work with OSSGA to better determine the level of assessment required for closed-loop systems, the possibility of self-assessment, possible exemptions, and the need for more direction regarding the application requirements. These discussions are to be communicated from Approval Services to District Offices to ensure consistency.

### Guidance:

OSSGA recommends our members maintain compliance with federal and provincial environmental legal requirements. In the interim, while OSSGA works with the MECP on this issue, MECP Head Office has advised that OSSGA members ensure that their Environmental Officers are aware of these discussions and that members ask for an extension on the deadline to submit an ECA approval until after the approval and application requirements have been clarified.

### Next Steps:

- OSSGA's Environment Committee will continue to work closely with MECP on this issue by providing the Ministry with examples of wash system variations, and the number of sites impacted (information needed for MECP to conduct an analysis to determine eligibility for EASR registration). We will communicate updates to the membership.
- OSSGA will be scheduling a meeting with Minister Phillip's staff to reiterate our position that ECAs should not be required for closed loop systems for aggregate washing.
- Individual producers are advised to be aware and monitor this issue.

**Please note, this paper is for information purposes only, producers should ensure they receive the advice of qualified legal or other experts where appropriate.**