Environmental Assessment Act  
Loi sur les évaluations environnementales

ONTARIO REGULATION 511/95

EXEMPTION — WASTE MANAGEMENT PLANNING — MOEE-46

**Consolidation Period:** From December 13, 1995 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

No amendments.

This Regulation is made in English only.

A number of private companies and municipalities in the Province of Ontario, including groups of municipalities who have together sponsored waste management studies, have recently gone through or are going through planning processes respecting waste management and have identified or are about to identify undertakings for the disposal of municipal waste as a result of such planning processes.

These planning processes were carried on entirely or substantially during a period of time when the establishment of a new municipal waste incinerator site in Ontario was not permitted. New municipal waste incinerator sites were not permitted by Ontario Regulation 555/92, which added section 12.1 to Regulation 347 (Waste Management). They remain not permitted until the said section 12.1 is revoked.

Accordingly, these planning processes did not seriously address the alternative of incineration of municipal waste. Environmental assessments resulting from these planning processes will not address incineration and may fail to comply with subsection 5 (3) of the Environmental Assessment Act for that reason. It appears desirable that these undertakings be exempted pursuant to section 29 of the Act from the provisions of subsection 5 (3) of the Act, to the extent that these provisions may require the incineration of municipal waste to be addressed as an alternative to an undertaking or an alternative method of carrying out an undertaking.

I am advised that if these undertakings are subject to all of the requirements of subsection 5 (3) of the Act, the following injury, damage or interference with the persons or property indicated will occur:

A. Private companies and municipalities, including groups of municipalities who have together sponsored waste management studies, will be delayed and put to considerable expense if they must repeat or amend their planning processes so as to address incineration;

B. Persons resident in municipalities which may have their waste disposal capacity supplied by a private company or municipalities which are undertaking a waste management planning process may be inconvenienced by the lack of disposal capacity available to the municipalities as a result of the delays mentioned.

Having weighed such injury, damage or interference against the betterment of the people of the whole or any part of Ontario by the protection, conservation and wise management in Ontario of the environment which would result from the undertaking being subject to the application of the Act;

The undersigned is of the opinion that it is in the public interest to order and orders that any waste disposal undertaking by any private company or municipality, including a group of municipalities who have together sponsored a waste management study, is exempt from the provisions of subsection 5 (3) of the Act, to the extent that such provisions may require the incineration of municipal waste to be addressed as an alternative to an undertaking or an alternative method of carrying out an undertaking, for the following reason:

A. To avoid the above-noted injury, damage or interference.

This exemption is subject to the following term and condition:

1. This exemption applies only to private companies and municipalities, including groups of municipalities who have together sponsored waste management studies, who within one year of the date of approval of this exemption have substantially completed their analysis of “alternatives to” (as defined in subsection 5 (3) of the Act) and have provided notice in writing of substantial completion of the analysis to the Director of the Environmental Assessment Branch. O. Reg. 511/95.

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