



Secrecy is Toxic

You have the right to know

CRTK Fact Sheet

Accessing Certificates of Approval to Pollute

What information do Certificates of Approval (CoAs) provide?

Ontario's Environmental Protection Act and the Ontario Water Resources Act requires facilities that release pollution to the environment, provide potable water supplies, or store, transport or dispose of waste to obtain CoAs from the Ministry of the Environment (MOE) to ensure that the environment and human health will not be adversely affected.

A CoA is a legal document that explicitly permits and controls the manner in which polluting activities are carried out. They are binding and directly enforceable by prosecution under provincial legislation. The MOE is required to supply valid CoA to the public upon request.

How do I access CoAs?

To obtain a copy of a CoA the Ontario MOE has prepared a form entitled "Request for a Copy of a Certificate of Approval" (publication #5237e) which is available electronically at: <http://www.ene.gov.on.ca/envision/gp/5237e.pdf>. In order for the Ministry to conduct a thorough search, provide as much information about the facility as possible. It is almost always necessary to have a CoA number when filling out the form. You can get this number by contacting the company directly or contacting the MOE's Environmental Assessment and Approvals Branch at 1-800-461-6290 (locally at 416-314-8001) or by email at EAABGen@ene.gov.on.ca

Requests for CoA cost \$10/ copy. If the CoA has to be retrieved from Ministry archives then there is a \$60 offsite retrieval fee.

What information do CoAs leave out?

There is no information available about how requirements are established and how they are monitored on an ongoing basis. Many CoAs are out of date and a facility may have 100s of CoAs for individual activities. A CoA does not record whether there have been infractions or non-compliance issues with regards to the regulated activity.

The CoAs are often written in technical language and may not have comprehensive information specifying the exact amounts or type of pollution approved.

Why is CoA information useful?

Obtaining CoAs can help the community to find out what polluting processes a facility is licensed for, what pollutants are released into the environment, and what restrictions/controls are required. Residents can also comment on applications for certificates of approval at the Environmental Registry (http://www.ene.gov.on.ca/envision/env_reg/ebr/english/index.htm)

What has CoA information been used for in the past?

Residents and organizations have used CoAs many times to evaluate whether a company is in non-compliance with the pollution control conditions and to notify the proper enforcement branch. CoAs have also been used to uncover allowed polluting activities that were unknown to local residents and call for changes in the certificate.

Is a Freedom of Information (FOI) request required?

No. However, an FOI is required if you wish to view the supporting documentation that was submitted with an application for the Certificate of Approval.