



CANADIAN INSTITUTE FOR  
ENVIRONMENTAL LAW AND POLICY

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Adam Ciulini  
Team Leader  
Waste Management Policy Branch  
Ministry of the Environment  
135 St. Clair Ave. W.  
Toronto, Ontario, M4V 1P5

Via Facsimile and Regular Mail

**Re: Regulatory Amendments to Facilitate Waste Recycling, Use of Alternative  
Fuels and New and Emerging Waste Management Technologies, EBR Registry  
Number RA06E0008**

Dear Mr. Ciulini,

I am writing on behalf of the Canadian Institute for Environmental Law and Policy (CIELAP) to provide comments on the proposed regulatory amendments to facilitate waste recycling, the use of alternative fuels and new and emerging waste management technologies.

CIELAP has specific concerns and comments about the proposed regulatory amendments. First though, I would like to comment generally on the need for a comprehensive waste management strategy in Ontario. The proposed amendments are designed to provide municipalities and others who manage waste with new tools to assist them in diverting more waste from disposal and better managing residual wastes. While it is necessary to provide municipalities with assistance in meeting these important goals, CIELAP urges the government to address the overall problem of waste management strategically and from a provincial policy perspective.

The province of Ontario should develop and adopt a broad, comprehensive waste management policy. In the early 90s, the province of Nova Scotia undertook this type of policy development process. After widespread public consultation across the province, the Nova Scotia government adopted its Solid Waste-Resource Management Strategy in 1995, available at <http://www.gov.ns.ca/enla/waste/swrmstrategy.asp>. The Nova Scotia Strategy addresses: waste diversion goals, economic opportunities and stewardship; regional cooperation within the province; and education and awareness.

CIELAP strongly urges the Ministry of the Environment to work with stakeholders and the public to develop a comprehensive waste management policy that will ensure maximum diversion of

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waste throughout Ontario. In particular, any evaluation of new and emerging waste management technologies should occur within the context of the province's diversion goals and priorities.

### Ministry Oversight, Public Notice and Public Participation

The Ministry proposes to remove a number of waste approval processes currently in place in Reg. 347 under the *Environmental Protection Act (EPA)*. Approval requirements would be eliminated in relation to:

- Processing and handling of waste materials where waste biomass is used to produce ethanol and biodiesel;
- Woodwaste combustor sites where any amount woodwaste is used as an alternative fuel (currently there is an exemption for sites using 100 tonnes/day of woodwaste for fuel or less); and
- Recycling or beneficial use of certain waste materials, such as batteries, electronics and asphalt shingles.

Other approval requirements under the *EPA*, such as air approvals, would continue to be required where applicable.

The Ministry also proposes to introduce a streamlined waste approvals process under the *EPA* for pilot and demonstration sites for new and emerging waste management technologies, including energy-from-waste (EFW) technologies. Hearings for pilot and demonstration projects would be discretionary rather than mandatory as may currently be the case. As well, pilot and demonstration sites would be exempt from environmental assessment approval processes under the *Environmental Assessment Act*.

Pilot and demonstration sites will continue to require approval under *EPA*, Part V (Waste) and other applicable *EPA* requirements.

CIELAP is concerned that the removal of these various approval process requirements may result in less Ministry scrutiny of proposed activities that may have potential to cause environmental harm.

Furthermore, where the public currently has public notice and participation rights under the *Environmental Bill of Rights* in relation to proposed approvals, these rights will be lost under the proposed amendments. If these approval processes are to be eliminated, the Ministry must put in place alternate procedures to allow for public notice and input in relation to these decisions.

### Extended Producer Responsibility

CIELAP supports the importance and usefulness of extended producer responsibility (EPR) systems in principle. However, we have concerns about the Ministry's proposal of a regulatory approach exempting EPR systems from obtaining waste approvals under the *EPA*.

EPR systems are a necessary tool to redefine product design and production and to reduce the environmental impacts of products. CIELAP urges the government to consider the introduction

of a mandatory EPR program applying equally to all producers in order to achieve better and more effective results.

Thank you for the opportunity to provide input on this draft regulation. Please contact me, or Maureen Carter-Whitney, CIELAP's Research Director, if you wish to discuss any of these comments further.

Yours sincerely

A handwritten signature in black ink that reads "Anne Mitchell". The signature is written in a cursive style with a large initial "A" and a long, sweeping underline.

Anne Mitchell  
Executive Director

Cc: Hon. Laurel Broten, Minister of the Environment  
Gord Miller, Environmental Commissioner of Ontario