

September 27, 2019

Amy Shaw
Guelph District Office
1 Stone Road West
Guelph, ON
N1G 4Y2
Canada

Dear Ms. Shaw:

Re: ERO 019-0444 (NexCycle Guelph Facility)

As background, OWMA is the voice of the waste management sector in Ontario, representing over 250 organizations across the province that manage 85% of the province's waste and recyclable materials. OWMA members have diverse operations in areas such as waste and recycling collection, landfills, transfer stations, recycling facilities, resource recovery facilities, organics waste processing and composting and hazardous waste recycling and safe disposal.

In response to Director's Order No.3858-BCFPDZ, OWMA notes that NexCycle's recycled glass processing facility in Puslinch Township, Ontario, does not fall under provisions in the *Environmental Protection Act* that require operations in accordance with an Environmental Compliance Approval (ECA). None of the different types of waste as defined by the *Environmental Protection Act* apply to the recycled glass materials received at NexCycle's facility. The misinterpretation of the legislation that resulted in this order would negatively impact numerous other recycling facilities across Ontario that are helping the provincial government meet its waste diversion objectives.

It makes little sense that a transfer or processing facility is required to go through a full Environmental Compliance Approval (ECA) process to collect materials, such as recycled glass material, when the incoming material is source separated and already collected by well-established collection programs such as Blue Box Program and Brewers Retail Inc.'s Deposit Return Program. Facilities such as the NexCycle site already have appropriate controls in place to manage approved activities such as recycled glass processing, without any significant environmental impacts.

Twenty-five years ago, the Ontario Government developed new incentives to encourage waste diversion by creating exemptions in Regulation 347 and O. Reg. 101/94 for recyclable materials and recycling sites. Those regulatory exemptions helped to create the waste diversion infrastructure that we have in Ontario today. The Ministry's proposal amounts to a significant change of policy, about which there has been no consultation with the waste and resource recovery industry, and which has significant potential to be detrimental to waste diversion initiatives across Ontario.

The Ontario government's plan to encourage conservation and reduce litter and waste will necessitate major changes to existing waste management facilities and require new waste diversion facilities to be built. In order to make these changes a reality, waste sector members require regulatory certainty to plan and make investments in new technologies, facilities and equipment that will drive cost-effective, environmentally responsible waste management solutions. An apparent major change in government policy, as a result of this director's order requiring an ECA for exempted materials processing, would economically impair the ability of service providers such as NexCycle to meet the government's policy goals of diverting waste and creating a more sustainable recycling economy. We recommend that this order be withdrawn.

Sincerely,



Mike Chopowick
Director of Policy & Communications

