

October 21, 2019

Hon. Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 23rd Floor
Toronto ON M5G 2EG

Dear Minister Clark:

Re: ERO 019-0279 (Provincial Policy Statement Review)

Please find enclosed comments and recommendations from the Ontario Waste Management Association (OWMA) regarding the 2019 Provincial Policy Statement Review.

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.

A key part of land use development is planning for the long-term waste management needs of Ontario residents, businesses, municipalities and institutions. The Provincial Policy Statement should provide strategic guidance to support the waste management economy. It is important that land-use decisions in Ontario carefully balance the environmental and economic goals of the province's waste policy framework.

Land use planning policies should restore certainty and confidence in Ontario's ability to encourage economic investment in much-needed waste management infrastructure to support the province's recycling, waste diversion and disposal objectives.

We would be pleased to meet with you and your ministry staff to discuss our recommendations in further detail.

Sincerely,



Mike Chopowick
Director of Policy & Communications

Encl.





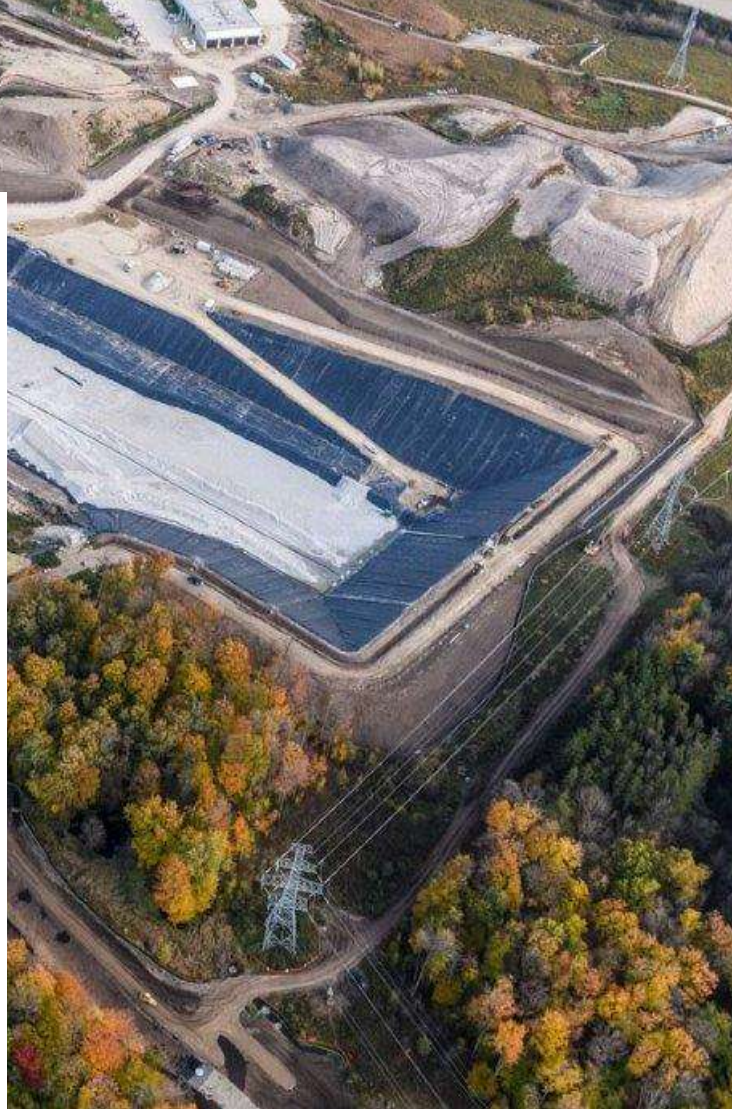
Comments on the Provincial Policy Statement Review

Ministry Municipal Affairs &
Housing
ERO Number: 019-0279

OCTOBER 21, 2019

Ontario Waste Management
Association

Photo: Region of Waterloo Landfill



2019 Provincial Policy Statement Review

Comments from the Ontario Waste Management Association

Ministry of Municipal Affairs and Housing
ERO Number: 019-0279

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Executive Summary

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.

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. A key part of land use development is planning for the waste management needs of Ontario residents, businesses, municipalities and institutions.

In a general way, the existing 2014 Provincial Policy Statement addresses the need for the adequate provision and efficient use of and waste management systems, and the minimization of waste. OWMA recommends that the new Provincial Policy Statement currently being drafted provide stronger direction regarding the need for adequate waste management infrastructure to provide capacity for Ontario's future waste disposal and diversion needs.

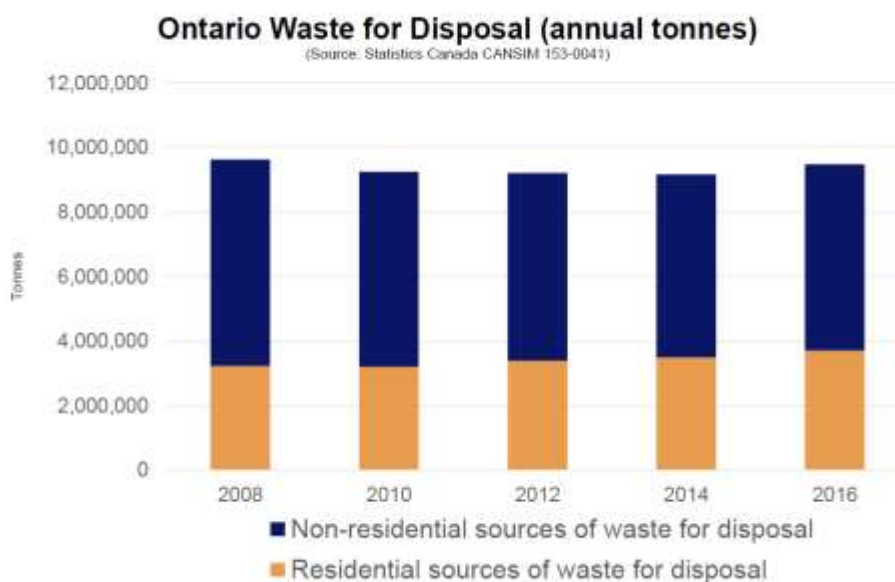
The Provincial Policy Statement should provide strategic guidance to support transitioning the waste management economy. It is important that land-use decisions in Ontario carefully balance the environmental and economic goals of the province's waste policy framework.

Land use planning in the context of increased housing and population growth must take into account waste management needs of the future. Barriers and costs must be reduced to encourage economic investment in new waste management infrastructure and facilities. Environmental protection should be considered in policies that address the reuse of excess soil and management of hazardous waste. Land use planning policies should restore certainty and confidence in Ontario's ability to encourage economic investment in much-needed waste management infrastructure to support the province's recycling, waste diversion and disposal objectives.

Increasing Housing Supply and Mix

With an increased supply of housing, as supported by proposed policies in the draft statement, the province must also have sufficient waste management systems in place to provide adequate collection, transfer, disposal, recycling and processing capacity to meet Ontario's growing population.

The Provincial Policy Statement (PPS) should recognize that many components of the waste stream transcend municipal borders, and that there is a broader, provincial public interest to ensuring Ontario has capacity to manage the over 11.6 million tonnes¹ of waste materials that are generated in Ontario every year.



The PPS must support the provision of the full range of waste management infrastructure, including landfill disposal sites, transfer stations, material recovery facilities, recycling processing facilities, food and organic waste composting facilities, and energy-from-waste systems.

Directly related to an increased supply of new housing, the PPS must also consider the need for planning policies to accommodate increased capacity to manage diversion of construction and demolition waste, which totals over 1.2 million tonnes annually in Ontario².

Recommendations

- The Provincial Policy Statement should recognize that waste management systems need to be provided that are of an appropriate size and type to accommodate

¹ Ontario Ministry of Environment, Parks & Conservation, 2019. *Reducing Litter & Waste in Our Communities*.

² Government of Canada, Ministry of Industry, 2004.

present and future requirements, and facilitate the full range of waste management practices, including reduction, recycling, diversion, energy and resource recovery, and final disposal.

- Planning authorities should consider the implications of development and land use patterns on waste management needs. Waste management systems that are located and designed in accordance with provincial legislation and standards should have relief from unnecessary requirements for local official plan amendments.
- The Provincial Policy Statement should encourage effective waste management systems with the maximum possible diversion capacity, while also ensuring adequate capacity for safe and environmentally sound disposal and management of residual waste and materials that are not recycled.

Protecting the Environment & Public Safety

Excess Soil Management and Reuse

For most of the last decade, OWMA has been raising concerns to the Ontario government about the management of excess soil in the province, including the illegal dumping and inappropriate management of impacted and contaminated soils. Large amounts of excess soil are being generated at major infrastructure projects, especially in the GTA, and being moved across the province. It is clear that fundamental problems exist with Ontario's current regulatory framework and enforcement activities related to excess soils.

It is important to emphasize that OWMA throughout this period has advocated that the following elements are necessary for a successful framework for soil management in Ontario:

- Clear, enforceable and rigorous environmental standards need to be established by the provincial government including soil definitions; how and where certain types soils can be applied; and sampling protocols;
- Proper oversight and enforcement including accurate tracking;
- Clear roles and responsibilities;
- Maximizing the reuse of soils while ensuring environmental protections are in place.

OWMA supports the direction of the Ontario government towards establishing clear rules and regulations that provide better management and information monitoring of excess soils generated in Ontario. While it is beneficial for policies to promote the on-site local reuse of excess soil, these should not preclude the beneficial reuse designation of used soils as landfill cover.

In the matter of licensed landfills, excess soil has a beneficial re-use both as a capping material during closure activities, and can also be reclaimed as daily soil cover for landfills – with significant financial savings for both private sector and municipal landfill operators. These uses are requirements of Environmental Compliance Approvals issued by the Ministry of the Environment, Conservation and Parks, and help to mitigate environmental risks (e.g. odour, methane, and blowing materials).

There is currently an indeterminate level of responsibility for receiving sites that may have potentially contaminated excess soil transferred to their property. Generators and owners of source sites should bear responsibility for ensuring accurate information on the record of site condition and soil transfer manifests. The Ministry of the Environment, Conservation and Parks should be responsible for keeping records of approved clean-fill sites. Soils that are contaminated should be deposited at regulated disposal and treatment sites.

Recommendations

- Planning authorities should promote beneficial reuse of excess soil, including at landfill sites for daily cover and for final closure rehabilitation activities.
- Many smaller municipalities lack the resources to develop and enforce effective by-laws related to excess soil movement. The province should provide adequate guidance and support for municipalities to develop and enforce a compliance framework.
- Contaminated soils moved from the site of generation should be disposed of or treated in appropriate locations, and all movement should be tracked and monitored in a central, provincial registry.

Reducing Barriers and Costs

Siting of new and expanded landfills

Similar to mineral aggregate operations, solid waste landfills in Ontario are a vital part of the economy, providing a safe and environmentally sound disposal option for over 8 million tonnes of materials in the province every year that remain after reuse and recycling efforts. These materials are generated from both residential and industrial, commercial and institutional (IC&I) activities. Like aggregate operations, landfills utilize an area of land for a temporary period, until the capacity of the landfill is reached, and then the landfill enters the closure and rehabilitation stage.

Ontario has made significant progress in improving waste diversion and recycling efforts, however, over 70 per cent of products, packaging and other materials that enter the waste

stream is sent to landfills³. Ontario has approximately 850 operating landfills and 1,525 closed landfills. Given the projected population growth and economic trends, and the current amount of waste generated every year, it is forecasted that Ontario will need to site 16 new or expanded landfills by 2050.⁴

Ontario is one of the leading jurisdictions in the world when it comes to setting strict environmental and health standards and requirements for new or expanded landfills. Landfill proponents are already subject to a rigorous and costly Environmental Assessment (EA) process, which typically takes five to ten years of consultations and reviews. Both private and public sector applicants for new or expanded landfills have a positive track record of addressing the concerns and input of municipalities at every milestone of the EA process.

Waste collection is vital to the operation of any municipality. Part of the waste management process includes safe and environmentally responsible disposal options, such as engineered landfills, which are essential to managing residual waste materials that cannot be reused or recycled. Ensuring well-planned and well-managed disposal capacity for Ontario's solid waste is an economic and environmental necessity for municipalities, residents and businesses. In 2017, it is estimated that Ontarians sent 8.1 million tonnes of waste to landfills in our province (another 3.5 million tonnes were exported to the United States). With approximately 123 million tonnes of remaining capacity in approved landfills in the province, Ontario will exhaust this capacity by 2032 at current disposal rates.⁵

As key stakeholders, municipal governments participate in the environmental assessment process as a commenting agency in the official review of terms of reference and environmental assessment submissions. Municipalities currently have many opportunities to engage with proponents, review technical studies, provide comments, and effect outcomes in the EA process.

Additionally, municipalities have authority under the Planning Act on Official Plan, zoning, site plan, and other local approvals. Landfill proponents are already required to address the concerns and input of community stakeholders at every milestone of the environmental assessment process.

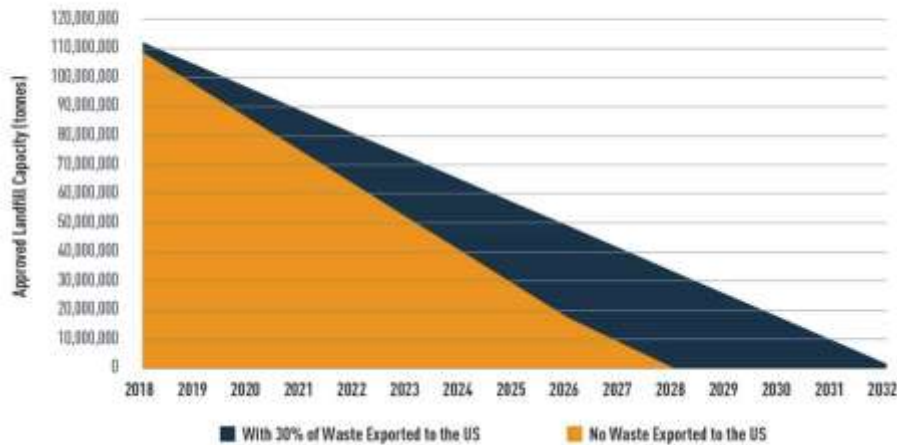
The Provincial Policy Statement should highlight the importance of making local planning decisions about waste disposal sites that support the broader provincial policy framework of how to provide adequate waste management capacity in our province. Failing to do so could result in over-reliance on exporting our waste materials to other jurisdictions, which poses a significant environmental and economic threat to Ontario should political circumstances prohibit shipment of our waste to U.S. states.

³ Based on Statistics Canada 2016 Waste Management Industry Survey residential and non-residential data.

⁴ Ontario Ministry of Environment, Conservation and Parks, 2017. *Strategy for a Waste Free Ontario*.

⁵ Ontario Waste Management Association (OWMA), 2018. *State of Waste in Ontario: Landfill Report*.

Ontario's Shrinking Landfill Capacity



Financial Assurance Requirements

Many waste management systems require financial assurance, or a financial security guarantee, to ensure the operator can cover the cost of complying with environmental objectives and ensure funds are available for potential future clean-up and remediation of contaminated sites.

The cumulative total of site-specific financial assurance in Ontario is currently in excess of the risk-based liability for environmental remediation. In total, the provincial government held approximately \$323 million in financial assurance for landfills in 2017⁶. Financial assurance is provided and held by the Ministry of the Environment, Conservation & Parks primarily in the form of a Letter of Credit [LOC], which has a significant restrictive impact on the ability of a companies to invest, innovate and create employment. LOCs are essentially “cash” from a corporate financial perspective, resulting in funds being unavailable for business and investment purposes in new facilities and environmentally beneficial technologies.

Currently, financial assurance is specific to a property, facility, or activity. Site-specific financial assurance does not provide the flexibility necessary to address the potential remediation risk within the waste sector. A pooled financial assurance system would place a greater emphasis on prevention and provide more flexibility in allocating funds as needed remediation of contaminated sites, resulting in higher levels of environmental protection. Adopting a risk-based 'pooled' financial assurance system would provide flexibility in allocating funds as needed, without site-specific limitations, while resulting in higher levels of environmental protection.

Recommendations

- The Provincial Policy Statement should support streamlining the land use planning and development process for new or expanded landfill sites.

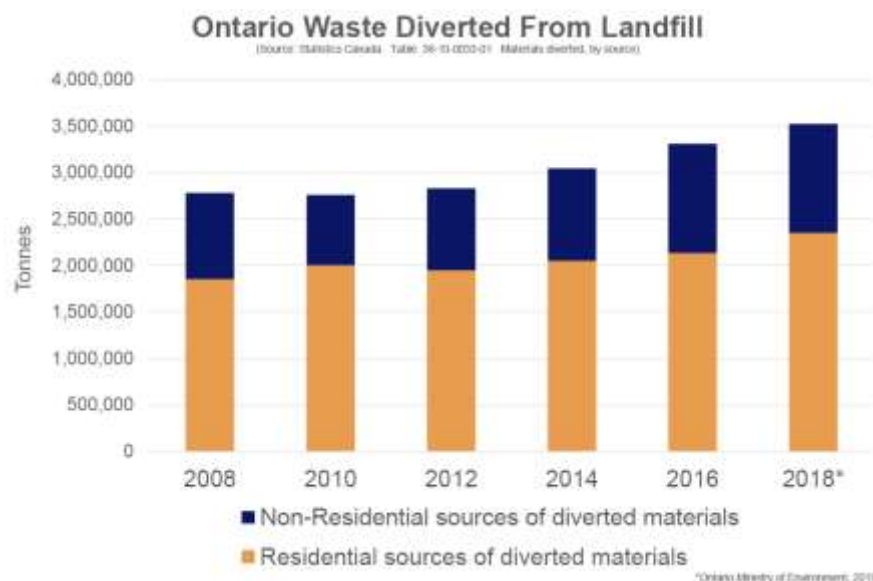
⁶ Ontario Waste Management Association, 2018. *State of Waste: 2018 Landfill Report*.

- The Provincial Policy Statement should highlight the importance of making local planning decisions about waste disposal sites that support the broader provincial policy framework of how to provide adequate waste management capacity in our province.
- Restructure financial assurance in Ontario and move it to a risk-based pooled fund model.

Supporting Certainty and Economic Growth

The Provincial Policy Statement is a province-wide document that should provide guidance to local authorities and municipalities on how they can facilitate conditions for economic investment in waste management systems. This investment is not just required to provide capacity for future growth in waste volumes, but also necessary to meet the evolving needs of Ontario's waste management and diversion sector. Unfortunately, the current process of applications for siting and expanding waste management infrastructure is an expensive and slow process, often ending with long and costly hearings and lack of certainty.

The transition of the Blue Box Program to full producer responsibility, new regulations for waste recycling programs for tires, electronic materials, and hazardous waste, and the expansion of food and organic waste diversion programs, are just some of the ways that Ontario's waste management systems are evolving.



In addition, there continues to be a growing need for landfill capacity to accommodate the volumes of waste that are not diverted. Finally, there are new and emerging opportunities to recover energy from non-recyclable waste, such as facilities that derive energy-from-waste,

including anaerobic digestion, landfill gas to energy (LFGTE) systems, conventional combustion and emerging thermal conversion technologies, such as gasification and pyrolysis.

Fuels, such as renewable natural gas (RNG), can also be derived from waste and used to reduce our reliance on fossil fuels. RNG, for instance, can be a source of fuel for trucking fleets and can be added to natural gas pipelines where the proper infrastructure exists. This provides further opportunities for Ontario to reduce greenhouse gas emissions and meet the objectives of the Made-in-Ontario Environment Plan.

Recommendation

- The Provincial Policy Statement should incorporate waste management planning into long-term land-use planning decisions, and provide regulatory certainty to support necessary economic investment in facilities and infrastructure that meet Ontario's evolving waste management needs.

Summary of Recommendations

Planning for Increased Housing Supply and Population Growth:

- The Provincial Policy Statement should recognize that waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate the full range of waste management practices, including reduction, recycling, diversion, energy and resource recovery, and final disposal.
- Planning authorities should consider the implications of development and land use patterns on waste management needs. Waste management systems that are located and designed in accordance with provincial legislation and standards, without unnecessary requirements for local official plan amendments.
- The Provincial Policy Statement should encourage effective waste management systems with the maximum possible diversion capacity, while also ensuring adequate capacity for safe and environmentally sound disposal and management of residual waste and materials that are not recycled.

Managing Reuse of Excess Soil:

- Planning authorities should promote beneficial reuse of excess soil, including at landfill sites for daily cover and for final closure rehabilitation activities.
- Many smaller municipalities lack the resources to develop and enforce effective by-laws related to excess soil movement. The province should provide adequate

guidance and support for municipalities to develop and enforce a compliance framework.

- Contaminated soils moved from the site of generation should be disposed of or treated in appropriate locations, and all movement should be tracked and monitored in a central, provincial registry.

Reducing Barriers & Costs:

- The Provincial Policy Statement should highlight the importance of making local planning decisions about waste disposal sites that support the broader provincial policy framework of how to provide adequate waste management capacity in our province.
- The Provincial Policy Statement should support streamlining the land use planning and development process for new or expanded landfill sites.
- Restructure financial assurance in Ontario and move it to a risk-based pooled fund model.

Supporting Certainty & Economic Growth:

- The Provincial Policy Statement should incorporate waste management planning into long-term land-use planning decisions, and provide regulatory certainty to support necessary economic investment in facilities and infrastructure that meet Ontario's evolving waste management needs.

For more information, contact:

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