

March 4, 2020

Christy Taglieri  
Food Safety and Environmental Policy Branch  
Ontario Ministry of Agriculture, Food and Rural Affairs  
1 Stone Road West  
Ontario Government Building, 2nd floor, Southwest  
Guelph, ON N1G 4Y2

**RE: ERO Number 019-1234 - Proposed regulatory amendments to the General Regulation under the *Nutrient Management Act* to support on-farm regulated mixed anaerobic digestion facilities**

Dear Ms. Taglieri:

The OWMA is the voice of the waste management sector in Ontario. We represent over 240 organizations across the province who manage over 85% of the province's waste. OWMA members have diverse interests and investments in waste collection, landfills, transfer stations, material recycling facilities, resource recovery facilities including energy-from-waste (EFW), organic waste processing and composting, and hazardous waste recycling and safe disposal.

Proposed regulatory changes that would allow farmers to expand the emerging renewable natural gas (RNG) market in Ontario can potentially make the province a North American leader in the biogas sector. This can create a tremendous opportunity for the entire supply chain (i.e. waste generators, waste management companies, haulers, engineering/construction firms, utilities, land application firms, etc.) to create long term jobs and drive economic development in the rural landscape.

The waste management sector believes that the following principles need to be adhered to:

1. The availability of organic waste from the industrial/commercial/institutional (ICI) and municipal sectors is required to allow for the production of RNG at rates competitive to landfill disposal, which will allow the required infrastructure to be profitable and provide long-term, robust, durable outlets for these waste streams.
2. Clear guidance on the size of on-farm operations which will be allowed. The potential economic risks must be understood, and protective measures put into place to allow this new infrastructure to operate both economically and in compliance with relevant environmental regulations. This includes proper guidance on siting to mitigate nuisance issues related to neighbouring farms and rural homeowners.
3. Management of digestate should be done in an environmentally sustainable manner. OWMA fully supports the development of cleaner waste streams including the elimination of plastics, glass and other contaminants. The goal of improving soil health while simultaneously minimizing the production of greenhouse gases should be paramount.



With these key points in mind, the Province through its *Environment Plan*, *Healthy Soils Initiative*, and *Land Use Planning* policy measures, could support the Federal Government on their climate initiatives goals while remaining positive impacts on the broader agricultural and waste industries. This initiative will also support the Province in its focused on red tape reduction and the growth of untapped economic opportunities for on-farm biogas operations within the broader supply chain.

Below are some of the relevant policy components that would facilitate meeting the objectives that have been outlined above:

### **Organics Diversion/Inputs to Farm Digestion**

- Clear identification of what feedstocks a farm-based digester can receive. A variety of terms, such as agricultural-based inputs, on-farm inputs and agricultural source materials are currently described in the Nutrient Management Act (NMA). Some farm digesters currently receive some wastes through the use of a Renewable Energy Approval (REA) or Environmental Compliance Approval (ECA). Further dialogue needs to occur on these types of materials as some on-farm digesters could not accept some wastes (e.g. acidic waste) from a food processor as it would be considered hazardous waste by regulation due to its pH level.
- Development of allowable contamination levels within off-farm materials needs to be implemented and subsequently monitored. As an example, waste from a grocery store or restaurant will have contamination in the form of plastic, metal, and glass. Farm-based digesters are not suited to deal with this type of waste and thus the waste industry could provide options on how to allow for the pre-processing of these materials to allow for an on-farm AD to handle them. Guidelines for allowable contamination should be developed across the waste management sector, not specific to farm-based digesters (the Ministry of Agriculture, Food & Rural affairs should work with the Ministry of Environment, Conservation & Parks on developing these guidelines).
- Clarity on the role that municipal source-separated organics (SSO) should play in on-farm AD operations should be developed. There are currently restrictions on farm-based digesters receiving municipal SSO if it contains human waste (e.g. diapers and sanitary products). If this waste has gone through a pre-processing system to remove the inert contamination, it is unclear why farm-based AD's cannot receive these materials.
- Similar to waste service providers, any farms that manage off-farm materials should be required to track the type and tonnages of material that they receive on an annual basis through their Nutrient Management Strategy. This information could then be consolidated through the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) in coordination with Ministry of Environment, Conservation and Parks (MECP) to ensure proper accountability throughout the supply chain. The Province is keen to track and report its progress in organic waste diversion as well as methane emission reductions, and the production of these records would support their efforts.
- Further discussions on the form organic waste needs to be received including raw, unprocessed, organics through to the receipt of pre-processed organics in a slurry or cake form. Attention must also be paid to the management of materials requiring de-packaging.
- Stronger clarification and guidance of the requirement that the total amount of AD materials that are being treated in the facility must be on-farm AD materials.





- We request the continued implementation of the Food & Organic Waste Diversion Framework to support on-farm digestion and the acceleration of these timelines. Standards for digestibility of compostable products should also be developed to ensure that fine compostable plastics can be broken down through anaerobic digestion and can be land applied. This work would include the elimination of some polymers that do not break down in the natural environment.

### **Digestate Management/NASM Products**

- A policy needs to be developed that would allow digestate that meets a contamination specification, as well as a time/temperature specification, to be land applied. These would be treated under the NMA as a separate category, similar to biosolids, and would not require testing or odour mitigation.
- Clarity is needed on the foreign material levels in digestate including plastics, PFAS, and other contaminants that need to be addressed earlier in the supply chain (product and packaging manufacturers).
- Clear guidance and financial support are required for the use of digestate to build soil health and enhance fertility in source water protection areas as well as in the Lake Erie and Lake Simcoe watersheds.
- At a minimum, the elimination or complete overhaul of the NASM Odour Guide.

### **Renewable Natural Gas**

- Request the review of the RNG interconnection process with Ministry of Energy and Ontario Energy Board (OEB) as it is currently not sustainable for farms and other biogas facilities. Further dialogue needs to occur on the management of capital and operating costs for this infrastructure otherwise the efforts outlined above will be stymied if farms reasonably can be connected to natural gas infrastructure.
- The development of a Voluntary RNG offtake program would be beneficial as ICI organic waste producers and municipalities would like to source RNG for their own uses.

### **On-Site Design, Construction, Operations and Required Approvals**

- Further evaluation on the segregation of the off-farm wastes from manure prior to digestion would be beneficial. Currently, many on farm digesters mix inputs with their manure and land apply the mixture without digestion
- Compliance with D-series guidelines on facility development for all AD facilities, including clarity on the requirements related to the size of the facility and the types of organics that they are managing.
- The inclusion of odour management requirements and a condition of development of ESDM reports depending on size including on-going source testing would be beneficial for large facilities
- The requirement for farms to provide Financial Assurance depending on the size of the operation would be consistent with approval rules for other waste sector facilities.
- Development of testing requirements for annual reports as well as on-going feedstock and digestate testing would allow for industry transparency and thus proper accountable to the entire supply chain



- The continued requirement for the farms with higher volumes of off-farm organics to develop nutrient management strategies (NMS) and nutrient management plans (NMPs) on an annual basis should be supported.
- The grandfathering of existing AD facilities should occur related to the tonnage or type of materials as it relates to the design criteria for new and/or improved AD facilities.
- Continued support for MECP as they work on the modernization of approvals with its Organic Waste Framework consultation process as farms need to source their materials from the waste sector and could be impacted by the slow progress on approvals.

### Other Recommendations

- A concern has been raised that if OMAFRA is going to continue to be the approver and monitor of on-farm digesters, then they cannot be allowed much more expansion in tonnage. It is currently viewed that OMAFRA has too little oversight in relation to compliance with NMA on farms. Therefore, the MECP should be included in the oversight of these facilities, in an enforcement role, or otherwise capacity limits that are currently allowed on farms should be retained.
- There shouldn't be a scenario where farms are processing waste and generating waste. If their products don't meet digestate qualities, they should be subject to the same rules as the waste processing sites. There should be consistent permitting rules for both on-farm and waste sector processing sites regarding waste generation.
- Once a farm crosses a certain volume of waste it needs to comply with many of the regulations that govern waste disposal facilities. There must be a uniform set of regulations and strong oversight by OMAFRA and MECP to ensure waste disposal facilities do not operate under the pretence of a farm operation.
- Further dialogue needs to occur across various government ministries including the Ministry of the Environment, Conservation & Parks, MMAH and Ministry of Energy.
- Development of proper nomenclature should occur throughout the supply chain as the definitions of organics and SSO and on-farm organics gets easily confused and thus standardization would be helpful including its use in all regulations. Every definition seems to be open to interpretation and varies between the OMAFRA and MECP documents and creates unevenness across the projects and what controls regulations need to be in place based on what materials are accepted.

Sincerely,



Mike Chopowick  
Chief Executive Officer

cc. Hon. Jeff Yurek, Minister of the Environment, Conservation and Parks

