

November 4, 2020

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## Public Works

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[peelregion.ca](http://peelregion.ca)

### **Re: Region of Peel comments related to the Proposed project list for comprehensive environmental assessments (EAs) under the Environmental Assessment Act (EAA) ERO #019-2377**

Dear Ms. Wyndham-Nguyen:

Thank you for the opportunity to comment on the proposed list of projects, which will be subject to the comprehensive environmental assessment requirements in Part II.3 of the Environmental Assessment Act (EAA) and will be designated in a regulation as Part II.3 projects ERO #019-2377. Below, you will find a summary of comments from the Region of Peel Public Works and Public Health departments, which have been listed based on project type, as well as general comments.

#### **Waste Management Projects**

Currently, an anaerobic digestion facility to process green bin organics is in development at the Region. The facility is scheduled to be in operation in 2024/2025 and will produce in excess of 10 tonnes per day of digestate. It should be noted that an anaerobic digestion facility on its own is not subject to an environmental assessment. However, the Region is exploring the idea of subjecting the digestate through gasification to produce biochar. Biochar is used for carbon sequestration and also as a soil amendment to benefit soil health.

Since gasification is a form of thermal treatment as noted in the definition of thermal treatment, biochar production may inadvertently trigger the need to subject the anaerobic digestion facility to a comprehensive environmental assessment under Part 2 of Ontario Regulation 101/07 – Waste Management Projects.

The push for more diversion of additional 'compostable' items through organics recovery and processing will make it increasingly challenging to produce safe, high quality products. Currently environmental concerns relevant to the production and use of organic products derived from waste are risks associated with per- and polyfluoroalkyl substances (PFAS) compounds and micro-plastics. In addition, the long-term impact of finished compost or digestate produced using compostable packages in the mix on agricultural systems has not yet been determined. This concern will only increase with the proliferation of compostables in the market and the future expectation from the Ministry that they be collected and processed by municipalities. This is highlighted by the proposed changes to the Food and Organic Waste Policy Statement. Subjecting the digestate to thermal treatment has an added

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benefit. The expectation is that including thermal treatment in the production of the organic products may significantly reduce contaminant risks and support sustainable markets.

It is the Region's understanding that in the development of the thresholds and regulations over 13 years ago, a comprehensive environmental assessment was not intended for low environmental risk projects similar to the above. Based on the above and with this understanding, the Region recommends that an exception is added to the thresholds/triggers. This addition is highlighted for ease of reference below. The proposed amended threshold or trigger would read:

The establishment of a thermal treatment site:

- that does not use coal, oil or petroleum coke as a fuel for thermal treatment;
- where more than 10 tonnes per day is the maximum amount of waste subject to thermal treatment; and
- of the energy or fuel generated by thermal treatment at the site that is used, all of the energy or fuel is used to dispose of waste (i.e. no Energy From Waste [EFW]).
  - o But not if:
    - the site is located at a commercial, industrial or manufacturing facility;
    - the thermal treatment process utilized is for the treatment of waste to produce a product but not the final disposal of the waste;
    - the primary purpose of the facility is not the management of municipal waste, hazardous waste, liquid industrial waste or any other kind of waste; and
    - 100 tonnes or less of waste are received at the facility per day and the energy or fuel generated is all used at the facility and not all for waste disposal (i.e. there is EFW) or all the waste used in the thermal treatment at the facility is generated there and the energy or fuel is all used there for waste disposal (i.e. there no EFW)

An update to the thresholds as recommended will alleviate ambiguity over intent and bring regulation definitions and standards in line with current and future waste treatment technologies.

## Transportation Projects

Transportation projects in Ontario are currently subject to several process and requirements depending on the type and the proponent. The Region supports the shift to streamlining the environmental assessment process based on the potential impact these projects have on the environment; however, the Region would like to see included thresholds/triggers that take into consideration the impact these type of projects have on the environment and infrastructure, specially underground infrastructure such as water/wastewater.

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## General Comments and Questions

Without the opportunity to review the proposed project list for streamlined EAs at the same time as the current proposed project list for comprehensive EAs, it is difficult to get a complete picture of where gaps between the two lists may exist. For instance, it is unclear how the Ministry will address any gaps between the proposed project list for comprehensive EAs and the proposed project list for streamlined EAs to be released in the future.

We hope that these comments can be incorporated into the proposed list of projects for comprehensive EAs and can help further improve and modernize the environmental assessment program. Should you have any questions regarding the Region of Peel's submission or for more information, please contact Miriam Polga at [Miriam.Polga@peelregion.ca](mailto:Miriam.Polga@peelregion.ca) or Dave Faris Yousif at [dave.yousif@peelregion.ca](mailto:dave.yousif@peelregion.ca).

Regards,



Andrew Farr  
Interim Commissioner of Public Works  
Region of Peel

Cc:

Anthony Parente, General Manager – Water & Wastewater Division, Public Works  
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Louise Aubin – Director – Health Protection Division, Public Health  
Terry Ricketts – Director – Transportation Division, Public Works