

June 30, 2021

Sanjay Coelho
Ministry of the Environment, Conservation and Parks - Environmental Policy Branch
40 St Clair Avenue West, Floor 10
Toronto, ON, M4V1M2

Dear Mr. Coelho,

Re: Land Use Compatibility Guideline, ERO 019-2785

The Ontario Waste Management Association (OWMA) is the voice of the waste management sector in Ontario. We represent over 250 organizations across the province who manage over 85% of the province's waste.

The proposed Land Use Compatibility Guideline (Guideline) will help ensure certain land uses can co-exist and thrive for the long-term within a community, including major industrial facilities and more sensitive residential land uses. By clarifying the following, the proposed guideline would be strengthened in its goal to help prevent adverse impacts:

Adverse Effects

A clearer definition of what is categorized as an “adverse effect” in section 1.4 is needed that considers hotter and more humid summers.

Anaerobic Landfills

The Guidelines should include specific separate definitions of “landfills” and “anaerobic landfills” so they are not used interchangeably. Table 1 Area of Influence and Minimum Separation Distance for Select Major Facilities refers to “landfills and dumps”, but not anaerobic landfills specifically, even though anaerobic landfills were listed as a major facility in section 1.5.2. Anaerobic landfills should have a separate value assigned in Table 1 as they do not have to provide a compatibility study.

AOI Distances

Section 2.1.2 states that AOIs (Area of Influence) cannot be smaller than the Minimum Separation Distance (MSD) in the Guidelines, but also states that planning authorities may determine an alternate AOI that may be smaller or larger than the AOI outlined in the Guideline, if supporting studies are completed to justify this alternate AOI. Further specification is needed on alternate AOIs as determination of alternate AOIs that may be smaller or larger may limit the ability of existing facilities to expand if they comply with environmental legislation and Environmental Compliance Approval (ECA) requirements.

This section should also clearly state who is responsible for undertaking the AOI study.

Compatibility Studies



In Part B, D-6 Compatibility between Industrial Facilities, section 1.2.4 lists exemptions for sites that compatibility studies are not applicable to.

It is unclear if these exemptions mean that when an industrial facility is applying for an expansion or new build that these listed exemptions are not to be included in the compatibility study or that these functions are not required to perform a compatibility study (or both).

Waste management facilities other than landfills or those that require a Waste Certificate of Approval should also be exempt on this list, such as recycling and reuse facilities.

Overlap of Compatibility Studies with Environmental Compliance Approval Documentation

Section 2.7 describes general documentation needed for compatibility studies, most of which are items already reviewed in ECA applications. The costs involved with conducting both an ECA application and a compatibility study are high and many of the requirements of the compatibility study overlap.

Would the Emission Summary and Dispersion Modelling report under Ontario Regulation 419/05: Air Pollution–Local Air Quality and the Acoustic Assessment Report suffice for the section 2.7 documentation needed for a compatibility assessment? If not, the costs for preparation of these reports will impact the ability of businesses to expand and service their customers and in turn create an issue where business cannot grow and expand.

Qualified Individual

Further clarification is needed on the definition of “qualified individual” in section B.5. Compatibility studies may be prepared by a qualified individual. Section B.5 states that in most cases, this should be someone with a license under the Professional Engineers Act. “Most cases” is a vague descriptor and it should be clarified what situations this applies to.

Sewage Treatment Facilities

Section 1.4 includes sewage treatment facilities in the definition of major facilities. An explanation is requested as to why sewage treatment facilities are included in this definition, but exempt from the proposed odour guidelines?

Table 1 – Area of Influence and Minimum Separation Distance for Select Major Facilities

The description for composting facilities needs to be expanded. At present, the description for compost facilities is listed as “composting facilities”. Particularly, this definition should include the types of feedstocks they handle.

Table 1 should also specifically address and define Farm Ads that take in off-farm organics and farm storages for compost, biosolids, digestates.

Table 4 – Addressing Land Use Compatibility in Key Planning Tools

Further clarification is needed on the process and timeline for municipalities to update their official plans to site facilities.

Table 4 should also specifically address manure storages or organic by product storages in the rural areas?

Thank you for considering our request. These clarifications are critical to ensuring proper compliance with the Guidelines. We would be pleased to further discuss this matter and its importance with you or your staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Chopowick".

Mike Chopowick
Chief Executive Officer