

August 6<sup>th</sup>, 2021

Mr. Sanjay Coelho  
 Senior Policy Analyst  
 Ministry of the Environment, Conservation and Parks  
 Environmental Policy Branch  
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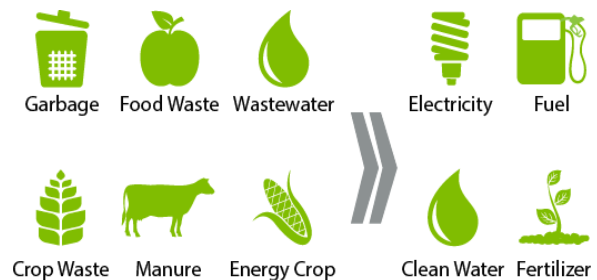
**RE: Anaergia DB Inc. Comments on ERO Posting 019-2785: Land Use Compatibility Guideline**

Dear Mr. Coelho:

As an investor in Ontario innovation and contributor to Ontario’s cleantech community, Anaergia DB Inc. (“Anaergia”) welcomes the opportunity to comment on the Ministry of the Environment, Conservation and Parks’ (MECP) Draft Land Use Compatibility Guideline (ERO Posting 019-2785).

**Corporate Background Information**

Anaergia is a global technology leader and solutions provider with over 25 years of experience (including its subsidiaries and affiliates) recovering value from waste for the municipal, commercial, industrial, and agriculture sectors. Through its proven portfolio of proprietary technologies and vertically integrated structure, Anaergia creates value for its customers in the form of clean water, renewable energy, and quality fertilizers while reducing the cost of waste management. Anaergia’s technologies have been used in over 1,600 resource recovery facilities worldwide, reducing greenhouse gas emissions while creating new revenue sources for its customers.



**Figure 1: Anaergia's Approach to Resource Recovery**

Anaergia is a public corporation composed of several subsidiaries and affiliates with its global head office in Burlington, Ontario. Anaergia currently operates out of eight (8) regional offices globally, including two (2) manufacturing plants. Anaergia sees waste not as a problem but as an opportunity to recover value — in the forms of renewable energy, high-quality fertilizer, recycle water and recyclables. As a result, Anaergia has created a unique platform that provides integrated solid waste, anaerobic digestion and wastewater treatment solutions to extract organics, capture and convert biogas into electricity or renewable natural gas, and to transform digestate into quality soil amendment and fertilizer products.

Anaergia has delivered projects that are at the forefront of the industry including some of the largest and most complex facilities of their kind and has executed projects using traditional and alternative project delivery methods including capital equipment and system sale, DB, DBOM, DBOMF, P3 and operate-maintain (OM). Anaergia’s deep global experience and local presence, combined with the flexibility and



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know-how to offer alternative project delivery methods brings unparalleled experience in the marketplace for a trusted and reliable partner.

With its global headquarters in Burlington for the past 10 years, Anaergia has been strongly supporting the local communities, businesses, and markets surrounding its global and local projects, including the Dufferin Organics Processing Facility (DOPF) in Toronto and the Rialto Bioenergy Facility in California. Anaergia focuses on local job creation, scholarships, training, and community outreach programs. It is also the recipient of the Burlington Chamber of Commerce 2016 Business Excellence Award – Manufacturer. Anaergia is a dedicated investor for clean tech projects in Ontario, and has also invested heavily in research, development and innovation over the past decade with a portfolio of over 200 patents granted or pending specifically related to recovering value from waste.

### **Comment on MECP Land Use Compatibility Guideline**

Anaergia recognizes the effort required by the MECP to develop technical guidance for the land use planning process. We also support the MECP in making changes to modernize regulations in keeping with the province's commitment to red tape reduction. Effective land use planning and the streamlining of the approvals process can support business continuity and growth while protecting the autonomy and quality of life in our surrounding communities. Regulatory changes, however, that are ambiguous and those that diverge from being science and/or evidence based, unnecessarily increase risk for project developers. Unpredictability will impede innovation and investment.

As private sector investors in waste recovery innovation and project development, developers of clean technologies, and builders of critical waste infrastructure, we have some concerns regarding the draft Land Use Compatibility Guideline and how it will be interpreted and applied. Our three (3) predominant and specific concerns are summarized in the list below.

- 1. The Land Use Compatibility Guideline may negatively impact the ability for new projects to be incorporated onto existing sites or waste facilities, such as the incorporation or expansion of anaerobic digestion (AD) at wastewater treatment plants (WWTPs).**

Section 2.3 of the proposed guideline states that “[w]here major facility development plans are unknown or where the planning authority is determining an AOI for an area which contains multiple major facilities, the AOI for the largest scale major facility that could be permitted by the existing planning framework should be assumed (“worst case” scenario), unless, in collaboration with the planning authority, it is determined that certain uses are impractical in a specific area”. To reach Ontario’s objectives for waste diversion and greenhouse gas (GHG) emission reductions, it is essential to maximize the use of existing infrastructure at WWTPs for the co-digestion of organics extracted from Municipal Solid Waste (MSW) and Source Separated Organics (SSO) with wastewater sludge. Anaergia’s belief is that the Province and taxpayers would greatly benefit from allowing new or expanded AD projects at WWTPs to be “grandfathered” in, and utilize the WWTP’s existing AOI and MSD, when these projects remain within the existing footprint of the facility.

This approach provides a number of benefits, including:

- i. Greatly reduce GHG emissions associated with the transportation of organic waste from major urban centers to remotely located AD facilities, compared to processing of the waste close to the points of generation;
- ii. Maximize the use of existing infrastructure and reduce the costs of processing to taxpayers; and
- iii. Allow and educate residents to take responsibility for the waste they create by ensuring it gets processed locally.

**2. The majority of the burden of mitigation measures may be placed on the major facilities rather than the sensitive land uses, even in cases where sensitive land uses are proposed near existing major facilities.**

The proposed guideline clearly states its preference for “at-source” mitigation of adverse effects on sensitive land uses, meaning that these measures would be implemented at the major facilities. Section 3.7 states that “[w]here mitigation measures are proposed to be implemented by a party other than the proponent of a proposal to enable that proposal to proceed, implementation of those measures should be complete as a condition of approval, and if necessary, agreements should be in place to ensure operation measures are implemented and to ensure all measures are maintained.” As an industry leader in organic waste processing, Anaergia encourages the use of Best Management Practices and Best Available Technology for waste processing projects to minimize any adverse effects on surrounding areas and to ensure compliance with all regulatory bodies. Any mitigation measures that require project-specific changes to these practices would have an economic and operational impact on our facilities. It would be greatly appreciated if further insight could be given as to how these operational and economic risks can be reduced, or even transferred to the sensitive land uses if they are proposed near existing major facilities.

**3. In highly populated areas where it may be more likely for sensitive land uses to be placed within a major facility’s AOI due to a higher likelihood of demonstrating need for those locations, major facilities will most likely get more complaints from nearby residents.**

In areas that are highly populated in Ontario, such as the Greater Toronto Area (GTA), land for development can be quite scarce. The proposed guideline does a great job at addressing these general concerns and communicating the MECP’s determination to ensure that land uses in these areas are compatible. However, it seems as though it would be more likely in areas like the GTA for sensitive land uses to be placed within the AOI of the major facility, due to this land scarcity and population density. It would be more likely for the proposed projects to demonstrate the need to have a separation distance within the AOI. If sensitive land uses are allowed closer to major facilities, these facilities are more likely to get complaints from nearby residents even if they are technically compliant with all necessary mitigation measures. Despite being compliant, this would negatively impact public image of the major facility and its owners, may cause



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operational and economic impacts for the major facility, and may make investors reluctant to invest in these high-priority projects. It is extremely important to promote sustainable, innovative projects in these highly populated areas that need them the most. If projects are forced to find sites outside of these areas, transportation costs and GHG emissions would increase as a result. It would also unfairly place the burden of waste management for large municipalities on smaller rural communities that may allow it mainly to increase their revenue.

Prior to finalizing and adopting the Land Use Compatibility Guideline, Anaergia requests that the MECP consult with industry and the private sector on the Land Use Compatibility Guideline. If this is not possible, Anaergia would appreciate an opportunity to meet with MECP Environmental Policy Branch staff to better understand the Ministry's position in advance of Anaergia consulting with local stakeholders on a project-by-project basis.

We thank you for providing Anaergia the opportunity to present this letter to the MECP. We trust the foregoing will be of interest to you and if you have any questions with respect to the information contained herein, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deo Phagoo", with a horizontal line underneath.

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