



January 15, 2018

Ian Drew, Senior Policy Advisor
Ministry of the Environment and Climate Change
Climate Change and Environmental Policy Division
Resource Recovery Policy Branch
40 St. Clair Avenue West, Floor 8
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Dear Mr. Drew,

RE: Proposed Food and Organic Waste Framework - EBR Registry Number: 013-1814

The Association of Municipalities of Ontario (“AMO”), the City of Toronto, the Regional Public Works Commissioners of Ontario (“RPWCO”) and the Municipal Waste Association (“MWA”) collectively submit these comments on behalf of municipal governments regarding EBR Registry 013-1814 on the Ministry’s Food and Organic Waste Framework. We appreciate the consultative approach the Province has taken on this file and also applaud the government’s continued efforts to drive resource recovery.

Municipal governments support the Ministry’s work on this important environmental issue and appreciate the consideration shown to the unique circumstances rural, northern and remote communities face. However, at the outset we must highlight a remaining challenge: The lack of a funding source for implementation of these programs. Financing the implementation of these programs will be extremely difficult for many communities.

Vision, Guiding Principles and Objectives:

Municipal governments are supportive of the Framework’s aspirational vision to move towards zero food and organic waste and zero greenhouse gas emissions from the waste sector. We also support the guiding principles outlined in the Framework and the key objectives:

1. Reduce food and organic waste
2. Recover resources from food and organic waste
3. Support resource recovery infrastructure
4. Promote beneficial uses of recovered resources

Part A: Proposed Food and Organic Waste Action Plan

The Action Plan identifies strategic commitments to be taken by the Province to address food and organic waste.

1. Reduce Food Waste:

The municipal sector strongly supports initiatives to prevent food waste and agrees with the Ministry’s recommendations in the Action Plan to drive this outcome.

We support the Ministry's recommendation to develop a multi-stakeholder promotion and education campaign to support food waste prevention and reduction. The provincial campaign should be developed and implemented to drive awareness and behavior change to reduce the amount of food waste generated. In the United Kingdom, the "Love Food, Hate Waste" campaign has successfully reduced avoidable household food waste by 21%¹.

The campaign should be done on a Provincial basis and be collaborative nature across the entire supply chain. This should include brand holders, retailers, the various levels of government, consumers, and the waste management sector.

2. Recover Resources from Food and Organic Waste

Municipal governments support the recommendation to amend the 3R's Regulations to include food and organic waste and increase resource recovery across the IC&I sector. Diversion of food waste in the IC&I sector has lagged behind the results achieved in the residential sector.² Municipal governments have long understood the importance of waste reduction and diversion and have dedicated resources and funding to achieve results. Similar broad based dedicated efforts have not been made in the IC&I sectors.

The challenge with using the 3R's Regulations has historically been the inability of the Province to ensure compliance and enforcement. In order to be successful this needs to be addressed. The Action Plan makes reference to the need for data gathering and reporting by generators. These requirements could also encompass waste management service providers and potentially be used by the Ministry to oversee and monitor compliance.

The Action Plan recommends the implementation of a food and organic waste disposal ban. As mentioned in our previous submission on the Discussion Paper: Addressing Food and Organic Waste in Ontario - EBR Registry Number: 013-0094, any consideration of food and/or organics disposal restrictions or ban needs to take into account the differences in Ontario between densely populated urban areas and remote/rural sparsely populated areas. It should also take into account the hard work already taken by municipalities to fund infrastructure, collection and education programs to drive the majority of organics diversion in the province.

Most other jurisdictions that have successfully implemented disposal bans have taken factors like these into considerations. They have done so by providing consideration for:

- the timing of when the ban is applied to various entities,
- whether the ban or restriction is based on the source of the waste, type of waste, or properties or a combination thereof,
- the process or set of rules that allow for exemptions,

¹ BC government, Organics Case Studies. Available at https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/organics/casestudies/cs_1_wrap.pdf.

² Reports on Organic Waste Management in Ontario, prepared for the Ontario Ministry of the Environment and Climate Change, 2015

- actions to encourage development of processing infrastructure and end markets are as aggressive as the diversion targets,
- the application of different mechanisms for compliance, and
- temporary exemptions should processing challenges occur.

Municipal governments are encouraged that the Province has included considerations on how best to implement a ban that addresses many of the above suggestions such as exemptions for rural, northern and remote communities as well as phased-in timelines and geographical considerations. We are also glad to see the Province's commitment to consultation before any new requirements are implemented.

However the ban might be implemented, there will be additional costs that will be borne by municipalities that need to be factored in. Given the associated greenhouse gas reductions, the Province should look at ways to offset municipal costs through the Climate Action Plan, infrastructure funding or other similar programs. Jurisdictions such as California have shown that organics diversion activities have one of the best cost-per-tonne reductions.³

Municipal governments support the Province's commitment to increase recovery of food and organic waste in multi-unit residential buildings and the review of the Building Code is welcomed. We also encourage expansion of the scope of this review to include the design requirements for the safe and efficient delivery of collection services to residential developments. This will be important to ensure that new buildings are designed to support resource recovery and municipal governments would encourage the Province to consider expanding the scope of the review to include paper products and packaging and other streams that may be targeted in the future. We would also encourage the Province to consider funding mechanisms for infrastructure and other resource recovery mechanisms such as chute diverters that may drive resource recovery in existing buildings. In addition to infrastructure improvements, there needs to be extensive promotion and education which again points to the need for a provincial campaign.

The definition of what constitutes a multi-unit residential building should be examined. The definition should be expanded sufficiently to include all types of multi-unit residential buildings and complexes with six or more dwelling units. This would include condominiums, co-operative housing complexes, town homes etc. As some of the more intensely developed areas of the Province strive to reach intensification targets, we are seeing more developments opt for extremely compact designs that preclude municipal servicing for waste management services. It will be critical to ensure these privately serviced developments are mandated to comply with this Framework.

3. Support Resource Recovery Infrastructure

In order to realize the ambitious outcomes envisioned in this Framework it will be pivotal for the government to move quickly to remove some of the current barriers to ensure new capacity can be developed to accommodate new increasing volumes.

³ Available at <http://www.lao.ca.gov/handouts/resources/2016/Cap-and-Trade-Report-Provides-New-Information-042016.pdf>.



Municipalities strongly support streamlining the approvals process and reviewing existing requirements. We are aware of a number of examples where process improvements or new infrastructure plans have been abandoned due to these barriers. Municipalities are prepared to meet quickly with the government and other stakeholders to explore options to reduce approval timelines for new facilities or changes to current approvals.

It is important to emphasize that this is not about making it easier to get approvals for organic processing facilities. These facilities do pose potential environmental risks so they should have appropriate controls in place. Municipalities often are forced to become involved when environmental rules are too lax. Instead, this is about ensuring organizations who are seeking an approval for change, an expansion or a new facility have a clearer and more prompt path to receive a response.

The actions proposed in the Action Plan are a good start to modernizing Ontario's approval regime for resource recovery systems, however we feel more could be done. Some options include:

Exemptions:

A number of activities that the Ministry of the Environment and Climate Change currently regulate should be considered exempt (with appropriate boundaries), such as collection facilities (e.g. community recycling depots), and small community compost facilities.

Use of Qualified Professionals:

Allow for modifications to approved facilities or infrastructure without the requirement of a formal Environmental Compliance Approval amendment but with sign-off by a qualified professional. Many modifications to waste processing facilities have little potential negative environmental impacts and in many cases offer environmental benefit (e.g. renewable natural gas processing, new sorting processes/screens, slight variations in feedstocks). For organic processing facilities, ensuring these changes can happen in a timely manner is especially important to allow them to adapt to changing markets or incoming stream. The current process of potentially waiting 300 days (the current median) for an approval is simply not practical.

A sign-off letter from a Qualified Professional confirming the outcome meets Ministry criteria could be provided to the Regional Office with updated drawings. This type of amendment would allow facilities to make timely changes enabling them to function within dynamic markets. This process needs to be transparent and the Qualified Professional must have the appropriate knowledge and skills and insurance. We would be pleased to work with the government to ensure the right balance.

Environmental Activity and Sector Registry:

The new Environmental Activity and Sector Registry (EASR) system could be broadened to deal with certain compost and anaerobic digestion facilities that have a relatively consistent risk profile. These facilities are well understood by the government and the types of conditions placed on many of them are already relatively standardized. The EASR system, where deemed necessary, could allow for a range of assessment to manage any risk exposure.



Review of D-Series Land Use Compatibility Guidelines:

The review of the D-Series guidelines needs to strike a balance between avoiding land use conflicts between resource recovery processing systems and adjacent properties while ensuring there is an ability to actually site sufficient numbers of these facilities, sometimes in urban areas, to be able to realize the ambitious targets the Province has set. We would be happy to work with the Province in the review of the D-Series Guidelines to ensure sufficient processing capacity infrastructure can be constructed.

4. Promote Beneficial Uses:

The Action Plan states that the Province will support markets for biogas and that the Climate Change Action Plan will provide financial support to encourage the use of cleaner, renewable natural gas. No details or commitments are provided however. The Province needs to connect policy frameworks for energy, climate change and resource recovery to ensure appropriate incentives for production of renewable natural gas are available to enable investments in infrastructure to support the ambitious resource recovery outcomes this Framework envisions. A specific recommendation is that the Province should include a minimum content of RNG derived from food and organic waste processing to help spur capital investment in processing infrastructure.

Municipalities remain supportive of the use of carbon offsets to help support this infrastructure through organic waste management and for Anaerobic Digestion (organic waste and manure). It should, however be underlined that based on the consultation process for the landfill gas protocol, we are concerned that Ontario specific conditions will not be properly taken into account and as a result the protocol may not be utilized. There is also concern around how a potential disposal ban may impact the ability to obtain these credits.

Municipalities are also supportive of incentives related to RNG that are identified in Ontario's Climate Action Plan such as creating Renewable Fuels Standard to increase the percentage of renewable content required in transportation fuels sold in the province; piloting a program that uses methane obtained from agricultural materials or food wastes for transportation purposes, with funding for commercial-scale demonstration projects; and setting a renewable content requirement for natural gas.

Incentives should be utilized to support processing infrastructure. This could include tools discussed in Ontario's Climate Action Plan such as utilizing the Green Ontario Fund or program for organics diversion which have been shown to have one of the best cost-per-tonne reductions⁴; and including carbon mitigation measures as a consideration in the environmental approvals process.

Municipal governments encourage the province to develop regulatory approaches that support the expansion and diversification of markets for soil amendment materials expected from the full scope of resource recovery approaches needed to achieve the province's targets. Clear quality standards and permitted uses (i.e. not requiring individual site Environmental Compliance Approvals) are needed to support the development of new resource recovery approaches such as mixed waste processing.

⁴ Available at <http://www.lao.ca.gov/handouts/resources/2016/Cap-and-Trade-Report-Provides-New-Information-042016.pdf>.

Finally, it is important to note that a number of paper products and packaging are processed through organics diversion programs (shredded paper, soiled pizza boxes and other paper products and packaging). These products and packaging are entirely funded by municipal governments. If one of the intents of the Strategy for a Waste-Free Ontario is to promote greater producer responsibility, we encourage the government to consider how responsibility could be extended to these alternative delivery models.

Part B: Proposed Food and Organic Waste Policy Statement

The Policy Statement is established under the Resource Recovery and Circular Economy Act, 2016 and provides direction to the province, municipalities, the IC&I sector, owners and operators of resource recovery systems and others to further the provincial interest in waste reduction and resource recovery as it relates to food and organic waste.

1. Ontario Food Recovery Hierarchy:

Municipal governments support the use of a hierarchy to prioritize actions in our move towards a sustainable model of waste reduction and resource recovery. We did note however that most hierarchies include an additional level of “Feed Animals” between Feed People and Resource Recovery⁵. We would suggest that the Province consider adding this level, it is included in other food waste hierarchies such as the one used in the United Kingdom.

2. Targets

The diversion targets need careful consideration. Details on organic program performance are limited and make it difficult to set accurate targets. Flexibility in how the diversion numbers are calculated will be important. The targets need to effectively measure prevention and reduction as well as diversion from disposal. We recommend consideration of a food and organic waste generation rate that considers the amount of organic waste that remains in the disposal stream and tracking this year-over-year.

The timeline to reach prescribed diversion targets also needs to be considered carefully. A community that has to design and implement a collection, transportation and processing system along with all requisite approvals can currently take up to a decade. We are concerned about the requirement to meet prescribed diversion targets in the 7-year timeline proposed. There needs to be consideration given unique circumstances that might impact the implementation timeline for these municipalities.

Municipal Governments would be happy to work further with MOECC and other stakeholders to set appropriate targets and timelines for the diversion programs.

⁵ US EPA Sustainable Management of Food, Food Recovery Hierarchy <https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy> ; see also House of Commons, Food Waste in England, (April 30 2017) Food Waste Hierarchy. Retrieved from <https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/429/429.pdf>

3. Reduce Food Waste

Similar to our comments earlier regarding the Action Plan, there should be a joint responsibility across the supply chain to drive the reduction of food waste. Waste service providers should have a role as well in helping to deliver promotion and education programs to drive food waste reduction.

Given the role the connection the Provincial government has to food delivery through the broader public sector and institutions like hospitals, long term care facilities, youth detention centres and jails, the Province has the ability to play a leading role in illustrating how food waste reduction can occur and providing best management practices. This role should be included.

4. Recover Resources from Food and Organic Waste

Municipal Governments have been leaders in diverting food waste and organics in Ontario.

In 2014, Ontario's residential sector diverted over one million tonnes of organic materials, including about 480,000 tonnes of green bin waste and 567,000 tonnes of leaf and yard waste. Some 37 municipalities in Ontario, covering about 70% of Ontario's population, have already implemented residential green bin programs⁶. Programs cover a wide range of organic materials, including food waste, soiled paper, and pet waste.

This is in stark contrast to the IC&I sector that has only diverted about 400,000 tonnes of organic material.⁷ It is important to note that certain sectors of the IC&I have made significant advancements in this area and should be recognized. However, as a whole, it has lagged behind the residential sector.

Diverting organic material is one of the more expensive and complex waste diversion programs. The cost to collect, transport and process organics is high given the putrescible nature of the material and the potential for odour.

Municipal governments support the Ministry's work on establishing thresholds for implementation of programs and giving special consideration to the unique circumstances rural, northern and remote communities face. However, some challenges remain.

Implementation of these programs requires a funding source. There have been some suggestions that allocating potential savings from Blue Box transition to full EPR could be used to fund these programs. This is **not** supported by Municipal Governments. There are many substantial unfunded mandates and budget pressures municipal governments are dealing with. Funding implementation of these programs will be extremely difficult for many communities.

⁶ Ontario Ministry of the Environment and Climate Change, 2017. This is an approximate figure. Green bin services are currently available in municipalities that represent about 71 per cent of Ontario's population (2011 Census data). Note that the actual figure should be lower given multi-unit residential buildings are offered services in only seven municipalities

⁷ 4 Reports on Organic Waste Management in Ontario, prepared for the Ontario Ministry of the Environment and Climate Change, 2015

As part of the Framework and an opportunity to reduce GHG and reduce collection and processing costs could be for the Province to invest in at-source organic waste management by subsidizing the cost for rural and northern Ontarians to purchase and properly use back yard composters. This program must work in tandem with an extensive province wide promotion and education campaign to manage their own food and organic wastes in-situ in order to be successful.

We noted a reference to section 4.2 (iii) in section 4.5 however section 4.3 (iii) does not exist.

5. Compostable Products and Packaging

The Policy Statement indicates a desire to see compostable products and packaging diverted from disposal for beneficial use. Municipal governments support this, however there are some significant hurdles to overcome in the Province to see it achieved.

Currently producer responsibility programs in Ontario do not apply to materials that would be captured in the organic recycling stream. The concept of including “branded organics” (e.g. tissues, tea bags, paper towels, diapers, soiled paper) and compostable packaging has been discussed for over a decade. Some jurisdictions such as the Netherlands and Austria already include compostable packaging and branded organics in their extended producer responsibility (EPR) programs.

Rather than try to establish a separate EPR regime for compostable products and packaging under this framework, the Province should ensure the current amendment to the Blue Box Program Plan under the Waste Diversion Transition Act obligates all compostable/biodegradable/bioplastic etc. packaging and that municipalities, service providers and owners and operators of resource recovery systems that recover these materials are compensated by obligated stewards for management of these materials.

The Province, Stewards, municipalities, service providers and owners and operators of resource recovery systems should collaborate on standards to ensure these products can be managed and recovered to ensure beneficial use instead of disposal.

8. Implementation and Interpretation:

Section 8.5 encourages municipalities to establish performance indicators to monitor the implementation of the policies in their Official Plans. The ability to monitor performance indicators in the Official Plan is not practical. Waste management plans or sustainability plans may offer better metrics. Planning documents govern land use, not the activities on that land. Official Plan performance would simply be that the item is present or absent in terms of a land use, nothing more.



Thank you for the opportunity to provide feedback and please contact us if you have any additional questions.

Sincerely,

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Of Ontario

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