



April 18, 2019

BY EMAIL

Cindy Acab
Resource Recovery Policy Branch
Ministry of the Environment, Conservation and Parks
40 St. Clair Avenue West, 8th Floor
Toronto ON M4V 1M2

Dear Ms. Acab:

RE: ENVIRONMENTAL REGISTRY NO. 013-4689 – REDUCING LITTER AND WASTE IN OUR COMMUNITIES: DISCUSSION PAPER

For your consideration, the Canadian Environmental Law Association, Toronto Environmental Alliance, Citizens' Network on Waste Management, Citizens Environment Alliance, Grand River Environmental Network, Health and Environment Justice Support, and Environment Hamilton are providing the following comments on *Reducing Litter and Waste in Our Communities: Discussion Paper (Discussion Paper)*. These comments are being provided to you in accordance with the above-noted Registry notice.

For the reasons outlined below, we conclude that there are some appropriate proposals that are generally described in the *Discussion Paper* (e.g. disposal bans, deposit return systems, Extended Producer Responsibility (EPR), etc.). However, the *Discussion Paper* is marred by a paucity of

detail about precisely how and when these initiatives will be implemented in a timely, equitable and effective manner throughout the province.

Moreover, we strongly object to the *Discussion Paper*'s erroneous and risk-laden endorsement of "thermal treatment" as the primary means to reduce waste volumes going to landfill. By any objective standard, thermal treatment does not "recover" resources from the waste stream. To the contrary, this practice attempts to recover some energy from waste, and the "thermally treated" resources are lost once incinerated.

In our view, all forms of thermal treatment (e.g. waste incineration, energy-from-waste (EFW) facilities, pyrolysis, plasma gasification, industrial burning of waste as "alternative fuel", etc.) should not be considered as diversion measures. Instead, these kinds of projects are – and must remain closely regulated as – waste disposal activities under Ontario's environmental laws.

Accordingly, our organizations submit that if the province is serious about reducing litter and waste in Ontario, then all necessary steps must be taken to expeditiously implement the 3R's hierarchy (reduce, reuse, recycle), and to ensure that valuable resources presently found in the waste stream are neither disposed by thermal treatment nor buried in landfills. Among other things, this means that Ontario's environmental approvals system for waste disposal (e.g. landfills and thermal treatment facilities) must become more robust and ensure meaningful public participation in all key stages of the decision-making process.

Part I of this submission provides our organizations' general comments on the *Discussion Paper*, while Part II addresses Ontario's misguided enthusiasm for thermal treatment. Our conclusions regarding next steps are set out in Part III of this submission.

PART I – ENVIRONMENTAL AND HEALTH ORGANIZATIONS GENERAL COMMENTS ON THE DISCUSSION PAPER

(a) Background

For many decades our organizations have worked on a wide variety of waste management issues, including those discussed in the *Discussion Paper*.

On the basis of our decades-long experience in such matters, we have carefully considered the various proposals in the *Discussion Paper* from the public interest perspective of our communities, and through the lens of ensuring access to environmental justice. We have also taken into account the relevant environmental commitments (e.g. precautionary approach, polluter-pays, ecosystem approach, public participation, etc.) set out in the Ministry's Statement of Environmental Values under the *Environmental Bill of Rights (EBR)*.¹

In addition, our comments on the *Discussion Paper* reflect key principles and diversion outcomes that have been jointly endorsed by other environmental and health groups, including:

¹ See <https://ero.ontario.ca/page/sevs/statement-environmental-values-ministry-environment-and-climate-change>.

- the top priority of Ontario’s diversion programs must be the protection of human and environmental health, and the development of such programs must include timely public notice and comment opportunities;
- we strongly support a move to full producer responsibility with high performance targets and outcomes supported by strict enforcement;
- disposal in landfill or by thermal treatment, even with energy recovery, should be considered only as disposal, and not be considered or counted toward a producer’s diversion target;
- registration, auditing and reporting to validate the final destination of materials, including through downstream processors, is essential;
- transparency and public access to reports and results is essential for accountability and public confidence, and such information must be accurate, accessible and understandable for all Ontarians;
- create a safe circular economy that provides economic, social and environmental benefits to Ontario; and
- consider the key role that provincial regulations must play in achieving zero waste and zero plastic waste objectives.²

(b) The Discussion Paper Lacks Critical Implementation Details

In our view, the *Discussion Paper* does not identify any new or pioneering approaches to reducing, reusing or recycling waste materials in Ontario. Instead, the *Discussion Paper* largely rehashes the same suite of waste-related proposals that have been discussed by provincial officials, municipal representatives, industry associations, environmental organizations and members of the public for many years (if not decades).³

Moreover, many of these generic proposals were reviewed in conjunction with the 2016 passage of the *Resource Recovery and Circular Economy Act (RRCEA)* and the Strategy for a Waste-Free Ontario, and have already been outlined in the “made-in-Ontario” Environment Plan⁴ released by the province in November 2018.

² See, for example, the recent submission by CELA, Toronto Environmental Alliance, Citizens’ Network on Waste Management and Health and Environment Justice Support in relation to diversion regulations for used electronics, electrical equipment and batteries in Ontario: http://www.cela.ca/framework_WEEE_batteries.

³ For example, substantially similar diversion issues were discussed by CELA and other environmental groups in 2013, 2006 and previous years: see <http://www.cela.ca/blog/2013-09-06/long-and-winding-road-zero-waste>; and see: <http://www.cela.ca/sites/cela.ca/files/uploads/547WasteRecycling.pdf>.

⁴ See CELA’s submission on the Environment Plan: <http://www.cela.ca/publications/proposed-made-ontario-environmental-plan>.

Nevertheless, we generally support the overall intent and policy direction of several of these provincial proposals, including:

- litter cleanup and prevention;⁵
- harmonizing and expanding the list of residential Blue Box materials, and moving to “full producer responsibility”;⁶
- significantly increasing the unacceptably low diversion rates in the industrial, commercial and institutional (IC&I) sector;⁷
- monitoring and publicly reporting upon sector-specific progress (or lack of progress) in waste diversion statistics and trends;⁸
- using regulations under the *RRCEA* to apply EPR principles and prescribe stewardship requirements for wider variety of materials;⁹
- reducing and diverting food and organic waste through various means, including banning the disposal of such wastes;¹⁰
- reducing plastic waste (including single-use plastics), establishing a deposit return system for certain containers (as well as plastics, electronics, batteries and other materials), and preventing plastic wastes from entering Ontario’s watercourses;¹¹ and
- developing clear rules for compostable products and packaging.¹²

Unfortunately, the *Discussion Paper* (like the Environment Plan) generally fails to specify any binding targets, aggressive timelines, operational details or clear funding mechanisms for these and other measures.

For example, the *Discussion Paper* indicates (in a single sentence) that Ontario intends to revise brownfields regulations “to reduce barriers to redevelop and revitalize historically contaminated lands,”¹³ but provides no particulars on the precise nature, scope or extent of this important initiative. Even the very modest waste diversion goals (e.g. 80 % diversion by 2050¹⁴) are merely described as “interim aspirational targets” that are not legally enforceable, and that inexplicably push back timelines for significant progress in provincial diversion rates.

⁵ *Discussion Paper*, pages 7-8. We add that litter cleanup efforts should not preclude measures aimed at preventing litter (e.g. banning single-use plastics) in the first place.

⁶ *Discussion Paper*, pages 8-9.

⁷ *Discussion Paper*, pages 10-11.

⁸ *Discussion Paper*, pages 11-12.

⁹ *Discussion Paper*, pages 12-15.

¹⁰ *Discussion Paper*, pages 15-19. Our organizations hasten to add that this provincial ban should not be confined to landfill disposal, but should also prohibit disposing of food and organic waste by thermal treatment facilities.

¹¹ *Discussion Paper*, pages 19-21.

¹² *Discussion Paper*, pages 21-22.

¹³ *Discussion Paper*, page 25.

¹⁴ *Discussion Paper*, page 6.

Accordingly, we recommend that each of the foregoing policy initiatives needs to be accompanied by the expeditious development (with full public input) of the requisite implementation details and clear provincial commitments, particularly in relation to targets and timelines. In the absence of such details, it cannot be concluded that the *Discussion Paper* prescribes a predictable, transparent and accountable path forward to the circular economy in Ontario.

This is particularly true in light of the *Discussion Paper*'s high-level discussion of producer responsibility in Ontario. In our view, the provincial regulations establishing Ontario's producer responsibility regime must make producers responsible for all of their waste, including products that go to the IC&I sector, are discarded in public spaces, and other forms of waste that are currently being unnecessarily disposed. We conclude that stringent and enforceable producer responsibility obligations entrenched in regulations are the best way to drive transformational change in Ontario, and will help to address two key issues identified in the *Discussion Paper*: littering and low IC&I diversion rates.

Our organizations further support an immediate move to new regulations under the *RRCEA* for packaging and Blue Box materials, as opposed to a slow, multi-year transition period for such items. On this point, it is our understanding that municipalities and Ontario's waste and recycling sector have also expressed their preference to proceed directly to new regulations under the *RRCEA*, rather than a drawn-out transition plan.

Similarly, we submit that new provincial regulations should be implemented as soon as possible to require the provision of composting programs for persons living in multi-residential buildings. Given that organics comprise at least one-third of the residential waste stream, it is imperative for residents of large apartment buildings and condominiums to divert compostable materials from disposal. Moreover, we anticipate that land use intensification will likely result in increased numbers of people living in multi-unit buildings, which underscores the importance of making significance progress in this matter.

The *Discussion Paper* recognizes the need to increase waste reduction and resource recovery in multi-unit residential buildings.¹⁵ However, the *Discussion Paper* provides an unacceptably weak response to this acknowledged problem when it calls for yet more discussions with relevant stakeholders to "develop guidance."¹⁶ In addition, the *Discussion Paper* concedes that more action is required in relation to the diversion of food and organic waste, but it merely commits to "work" with multi-residential buildings and municipalities "so they understand their obligations" under the *Food and Organic Waste Policy Statement*.¹⁷

In our view, there is no compelling excuse for delay and more study in relation to this important matter. From our perspective, the main reason why multi-unit residential buildings are not fully diverting compostable materials from the waste stream is because such programs are not required as a matter of law. It is reasonable to anticipate that as soon as the waste management industry

¹⁵ *Discussion Paper*, page 9.

¹⁶ *Ibid.*

¹⁷ *Discussion Paper*, page 18.

knows that Ontario going to legally mandate such requirements, then this sector will readily provide compost containers and pickup service for apartment buildings.

We further note that the same situation used to exist in relation to inadequate recycling opportunities in apartment buildings. However, after Ontario Regulation 103/94 was passed to make recycling mandatory at multi-residential complexes having six or more units, building owners then had to implement and manage recycling at their own initiative and cost. We conclude that a similar regulatory approach is needed to require composting programs at multi-unit residential buildings.

(c) *The Discussion Paper Delays Overdue Action*

Aside from lacking critical implementation details, the Discussion Paper also favours yet more consultation with a small sub-set of stakeholders, rather than undertaking any immediate tangible steps to address Ontario's continuing waste-related challenges.

For example, the *Discussion Paper's* review of possible IC&I measures is prefaced by a broad promise to further “engage directly with businesses and institutions” and “seek on-the-ground feedback,” rather than actually committing to any specific actions or timeframes. Similarly, the *Discussion Paper* indicates that “businesses and industry” will be consulted on the Blue Box transition process and the extension of producer responsibility.¹⁸

In addition, even the relatively straightforward (and potentially useful) prospect of banning the disposal of food waste in landfills will trigger more “extensive” and “close” consultation with “key partners such as municipalities, businesses and the waste management industry,” according to the *Discussion Paper*.¹⁹ On this point, we endorse the judicious use of disposal bans for landfills and thermal treatment projects not just for food waste, but also for other organic waste, designated recyclables, household hazardous waste and other problematic products or packaging currently present in the waste stream.²⁰ In short, all disposal bans established by Ontario must apply both to landfills and thermal treatment facilities.

More generally, while we support meaningful consultation with all interested stakeholders and civil society (not just businesses, institutions and industry), the *Discussion Paper's* dilatory approach appears to punt many of these critically important issues to some indeterminate date in the future. In short, the *Discussion Paper* entrenches a recipe for more delay in implementing long overdue steps in relation to the IC&I sector, stewardship programs and EPR obligations.

Accordingly, our organizations submit that the *Discussion Paper* does not reflect the sense of urgency that is required to properly advance the 3R's agenda in Ontario. In our view, perpetuating the status quo is unacceptable, and there is a compelling need for firm provincial leadership, not more stalling, rollbacks or half-measures in the waste context. We are also unclear how the further delay contemplated by the *Discussion Paper* can be reconciled with the

¹⁸ *Discussion Paper*, page 14.

¹⁹ *Discussion Paper*, page 18.

²⁰ See <http://www.cela.ca/letter-waste-free-ontario-act>.

specific timelines for action previously identified in the Strategy for a Waste-Free Ontario,²¹ including innovative approaches for waste reduction.

(d) The Discussion Paper's Inadequate Measures regarding Plastic Wastes

The *Discussion Paper* acknowledges the profound environmental and human health impacts associated with various forms of plastic wastes, including the microplastics now being detected in unacceptable concentrations in lakes, rivers, fish and wildlife.²² The *Discussion Paper* also recognizes that steps “are needed to prevent plastic from ending up in waterways.”²³

Unfortunately, the *Discussion Paper* attempts to largely sidestep Ontario’s own role – and clear legislative authority – for devising and implementing effective measures to combat plastic pollution from cradle to grave.

For example, the *Discussion Paper* asserts that “plastic waste is an issue that is best addressed by working with other levels of government,” and commits the province to “continue to work with other provinces, territories and federal government on the development of an action plan to implement a Canada-wide strategy.”²⁴ Similarly, the *Discussion Paper* states that Ontario “will seek stronger commitments from the federal government to develop national standards for recyclability to discourage the use of difficult to recycle plastics,” and to have “the federal government address product labelling.”²⁵

We generally concur that a coordinated and comprehensive pan-Canadian approach to managing plastic wastes would be more helpful than not in order to ensure consistency and certainty across the country. However, we submit that the *Discussion Paper*’s wishful thinking about a nation-wide strategy in no way diminishes Ontario’s own jurisdiction to enact and enforce its own stringent standards regarding plastic products that are created, sold, reused, recycled, imported or disposed in the province. We further note that these kinds of inter-governmental discussions on waste-related matters (e.g. national packaging protocol) have tended to drag on for decades with few tangible results.

Accordingly, our organizations submit that Ontario should not defer or abdicate its responsibility for taking swift and decisive regulatory action in relation to plastic wastes under the *RRCEA*, the *Environmental Protection Act (EPA)* and other provincial statutes.²⁶

For example, the provincial government should promulgate appropriate “made-in-Ontario” recycling standards in order to better facilitate safe and environmentally sound recycling of plastic products or packaging. On this point, we note that the *Discussion Paper* concedes the need for uniform composting standards to ensure that so-called “compostable” items can be

²¹ See <https://www.ontario.ca/page/strategy-waste-free-ontario-building-circular-economy>.

²² *Discussion Paper*, pages 19-20.

²³ *Discussion Paper*, page 20.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ See, for example, Ontario Bill 82, which is a private member’s bill that, if enacted, would amend the *RRCEA* to ban (or phase out) certain single-use plastics: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-82>.

properly digested in Ontario's anaerobic and composting facilities.²⁷ However, the *Discussion Paper* is conspicuously silent on this point in relation to plastics recycling.

We hasten to add that Ontario's recyclability standards should not just focus on plastics. Instead, these standards should also apply to other waste materials which cannot otherwise be reduced or reused. In particular, the recyclability standards must require producers to reduce the amount, volume or concentration of toxic chemicals used in products and packaging in order to facilitate safe recycling, and to ensure that such chemicals are not perpetuated in recycling processes. In our view, "designing for recycling" (and increasing the durability) of such products would help reduce the amount of residual wastes heading for disposal.

The *Discussion Paper* also contends that Ontario's efforts will keep plastics out of watercourses, and will "divert even more plastic" through upgrades to the Blue Box program, producer responsibility regime, and IC&I diversion measures.²⁸ However, it appears to us that the *Discussion Paper* improperly counts and promotes thermal treatment as "diversion from landfill," which likely means that more – not less – plastic waste will increasingly be sent for final disposal by high-temperature "treatment."

As discussed below, we submit that burning plastic waste is not preferable to burying plastic waste in landfills. More importantly, relying upon thermal treatment to get rid of plastics does not address the societal need to reduce the prolific creation of plastic waste in the first place. Once all plastic waste reduction options have been explored and exhausted (e.g. substituting refillable glass containers for throwaway plastic containers), then any remaining post-consumer plastics should be collected and reused to the maximum extent possible, and any residual waste should be recycled (or upcycled), not disposed by burning.

In short, our organizations submit that thermally treating plastics represents an avoidable and unacceptable loss of the resources that were utilized to create the discarded plastics at first instance. In addition, these controversial disposal practices may release toxic emissions to the air, and generate toxic sludge that must be collected and transported for final disposal and management.

We therefore concludes that opening the door to increased burning of plastics (rather than re-integrating these materials into the provincial economy) is entirely the wrong policy direction for Ontario, and will inevitably require new oil resources to be extracted, refined, transported and used to manufacture yet more virgin plastic materials. Thus, the Ontario government's claim that thermal treatment will decrease fossil fuel use²⁹ is both unpersuasive and unsubstantiated.

(e) The Discussion Paper's Questionable Approvals Reform

The *Discussion Paper* states that Ontario will "work towards reducing regulatory and administrative burden with the aim of keeping waste out of landfill," and that this will include

²⁷ *Discussion Paper*, page 21.

²⁸ *Discussion Paper*, page 20.

²⁹ *Discussion Paper*, page 24.

revisions to the “environmental approvals system.”³⁰ Similarly, the *Discussion Paper* proposes to “modernize” approvals by cutting “regulatory red tape” and making approvals more “expedient and efficient,” particularly for “pilot projects that could lead for the commercialization of new technologies or processes.”³¹ Alarming, the *Discussion Paper* advises that Ontario “will consider an “alternative or streamlined approvals path for proven technologies that recover value from waste,”³² but provides no criteria or details on what constitutes “proven technology” or what the “streamlined” approvals process will entail.

In response, we reject the province’s proposition that current approval requirements for the waste sector are just “red tape” that serve no useful purpose. To the contrary, these statutory and regulatory requirements form a comprehensive safety net that is intended to protect the environment and Ontarians against adverse effects emanating from waste disposal sites, including landfilling and thermal treatment.

Given the environmental and socio-economic significance of waste disposal activities (including thermal treatment facilities), we strongly opposes any attempt to dilute, rollback or eliminate current approval requirements for waste disposal sites under the *EPA*, *Environmental Assessment Act (EAA)*, and other provincial legislation. In particular, “new” or “innovative” thermal treatment technology (including so-called “pilot projects” or test burns) should be fully subject to *EPA* and *EAA* requirements to ensure that Ontarians do not inadvertently serve as guinea pigs in such large-scale environmental experiments.

The *Discussion Paper* further indicates that Ontario intends to “give municipalities a greater say in landfill approvals,” and that Ontario “will develop a proposal to ensure consultation between landfill proponents and impacted municipalities, Indigenous communities and adjacent communities early in the approvals process.”³³ However, the *Discussion Paper* provides no details on how the “municipal say” will be made “greater” under the current statutes that govern the location, design, operation and closure of waste disposal sites. We further note that a similar commitment has not been made by Ontario in relation to enhancing the “municipal say” where new or expanded thermal treatment facilities are being proposed.

Moreover, it is unclear why the province is announcing this commitment when the *EAA* and the accompanying Codes of Practice already require consultation (e.g. with municipalities, Indigenous communities and members of the public) in relation to large waste disposal facilities at the very beginning of the EA process (e.g. Terms of Reference stage). For disposal proposals not subject to Part II of the *EAA*, proponents are still generally required to consult with interested parties (e.g. Environment Screening Process for Waste Management Projects under O.Reg.101/07). Similarly, other types of waste approvals (e.g. transfer stations) may trigger public notice/comment opportunities under Part II of the *EBR*.

Therefore, we submit that it is not necessary for the *Discussion Paper* to again mandate public consultation since this obligation already exists in law. Instead, the challenge is for Ontario to

³⁰ *Discussion Paper*, page 26.

³¹ *Ibid.*

³² *Discussion Paper*, page 27.

³³ *Ibid.*

develop appropriate legislative and regulatory requirements to ensure that meaningful public participation occurs under the *EAA* and *EPA*. Among other things, this will require the re-introduction of the former *Intervenor Funding Pilot Project*, which ensured that eligible public interest representatives received proponent-paid financial assistance in order to fully participate in the approvals process.

The *Discussion Paper* also claims that despite diversion efforts, “there will still be a need for landfill space.”³⁴ In our view, this statement sends the wrong signal to Ontario residents and the IC&I sector, and the continued widespread availability of landfill capacity may undermine any momentum toward establishing the circular economy. As Ontario fully transitions from a consumer society to a conserver society, we acknowledge that some interim disposal capacity may be required to deal with limited amounts of residual waste. However, the Ontario government must take all reasonable steps to guard against creating excessive disposal capacity at the local and regional scale.

More generally, our organizations submit that the *Discussion Paper* should have expressly adopted the 3R’s hierarchy (reduce, reuse, recycle) as the principled basis for future provincial efforts to address the continuing proliferation of solid waste in Ontario. In short, the province should be aggressively pursuing waste avoidance programs, rather than making it faster or easier to obtain approvals for waste disposal sites, including landfills and thermal treatment facilities.

PART II – NGOS’ SPECIFIC COMMENTS ON THERMAL TREATMENT

In our view, the most contentious and unsupportable component of the *Discussion Paper* is its uncritical embrace of “thermal treatment” as the primary means to divert waste from going to landfill.

For example, the *Discussion Paper* describes thermal treatment as an option to “maximize the resources from waste” and to “ultimately send less of our waste to landfill.”³⁵ We agree that it is imperative to divert used materials from landfill disposal, but we do not agree that sending these materials for disposal by thermal treatment is an environmentally superior option, even if some energy is recovered from the burned materials.

In our view, thermal treatment is an unsound and unsustainable practice that needlessly squanders valuable resources that should otherwise be re-integrated into the circular economy. This is particularly true in light of the prohibitive costs and environmental risks³⁶ associated with thermal treatment facilities. Moreover, constant sources of waste are needed to feed these facilities, which clearly pre-empts opportunities to undertake innovative approaches to ensure waste reduction. Moreover, we note that while the *Discussion Paper* correctly describes the various impacts that may be caused by landfills, it fails to mention the well-founded public concerns about contaminant emissions from thermal treatment facilities.

³⁴ *Ibid.*

³⁵ *Discussion Paper*, page 5.

³⁶ See <http://www.cela.ca/article/canadian-environmental-protection-act-1999-first-cepa-review/pollution-prevention-options-in>.

The *Discussion Paper*'s unjustifiable endorsement of thermal treatment is also inconsistent with the province's claims about enhancing waste reduction in Ontario. Solid waste incinerators typically require a large continuous supply of materials (e.g. paper, plastics, aluminum, etc.) which should otherwise be reduced, reused or recycled. If Ontario is serious about working towards a "zero waste" future, then the valuable resources in the waste stream should not be burned in incinerators or buried in landfills.

We note that the *Discussion Paper* asks "how can we clearly and fairly assess the benefits and drawbacks of thermal treatment?"³⁷ In our view, this question should not be answered at an abstract level or on a hypothetical basis. Instead, this question is best addressed in a case-specific EA process once a potential site, design and operational approach has been identified by a public or private proponent of thermal treatment.

In particular, the EA process must require these proponents to conduct individual EAs under Part II of the *EAA* that, among other things, evaluates whether there is a demonstrable public interest need³⁸ for the waste disposal project. Proponents should also be compelled to carefully examine the environmental and socio-economic effects of a reasonable range of "alternatives to" the project, and "alternative methods" of carrying out the project (e.g. alternative locations or pollution control options).

In our view, gathering these types of evidence, at an appropriate level of detail, within a robust and participatory EA process will enable the Minister (or the Environmental Review Tribunal if the matter is referred to a public hearing) to make an informed decision on the pros and cons of thermal treatment proposals.

PART III – CONCLUSIONS

For the foregoing reasons, we conclude that the *Discussion Paper* is best characterized as a general survey or public questionnaire, as opposed to a concrete plan containing clear and reasonably detailed commitments, targets and timelines that readily explain how Ontario is going to greatly improve upon current waste diversion efforts in the short- and long-term.

In our view, some of the vague proposals outlined in the *Discussion Paper* appear worthy of public support, depending upon how and when they are operationalized. At the same time, we remain highly concerned by the *Discussion Paper*'s emphasis upon thermal treatment and associated regulatory reforms intended to expedite the approval of such facilities. If these controversial aspects of the *Discussion Paper* are pursued by the provincial government, it reasonable to anticipate that the intense landfill siting battles that now occur across Ontario will

³⁷ *Discussion Paper*, page 25.

³⁸ Ontario is currently proposing regulatory amendments that would require proponents of renewable energy projects to demonstrate that there is a need for the electricity to be produced by project: see Environmental Registry No. 013-3800. We see no reason why this "need" requirement should not extended to new or expanded landfills, EFW facilities and other forms of thermal treatment. Since it is contrary to the public interest to approve an environmentally risky undertaking for which there is no demonstrable necessity, we submit that "need" should be proven by public and private proponents of waste disposal sites, including thermal treatment projects.

be supplanted by equally contentious fights against new or expanded thermal treatment projects in urban and rural communities.

In our view, this scenario represents a regrettable step backwards at a time when Ontario should be proceeding with forward-looking waste diversion programs that conserve resources, safeguard the environment, protect public health, and advance the public interest.

We trust that our general observations and specific comments about the *Discussion Paper* will be considered and acted upon as the Ontario government determines its next steps in relation to waste management issues and opportunities across the province.

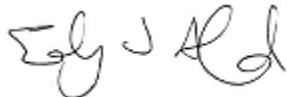
Yours truly,

CANADIAN ENVIRONMENTAL LAW ASSOCIATION



Richard D. Lindgren,
Counsel

TORONTO ENVIRONMENTAL ALLIANCE



Emily Alfred,
Waste Campaigner

CITIZENS' NETWORK ON WASTE MANAGEMENT



John Jackson,
Coordinator

GRAND RIVER ENVIRONMENT NETWORK

Susan Bryant, Secretary

CITIZENS ENVIRONMENT ALLIANCE OF SOUTHWESTERN ONTARIO



Derek Coronado,
Coordinator

HEALTH AND ENVIRONMENT JUSTICE SUPPORT (HEJSupport)

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Olga Speranskaya,
International Co-Director

ENVIRONMENT HAMILTON

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Lynda Lukasik, PhD,
Executive Director