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May 10, 2021

Ms. Julie Jamieson
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Delivered via e-mail to julie.jamieson@ontario.ca

Re: Proposed Regulatory Amendments to the General Regulation (O. Reg. 267/03 – General) Under the Nutrient Management Act to Support On-farm Regulated Mixed Anaerobic Digestion Facilities

Dear Ms. Jamieson:

I am writing on behalf of the Ontario Environment Industry Association (ONEIA) to provide feedback on Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) regarding the proposed regulatory amendments to the Nutrient Management Act (NMA).

We understand that your proposal is intended to create new opportunities for agricultural producers to treat larger volumes and more varied inputs of manures, food waste, and other organic materials in order to build a circular economy that includes nutrient and organic matter recovery, plus energy production using anaerobic digestion to produce renewable natural gas (RNG). A group of our member firms that work in this area carefully considered your proposal and are pleased to offer the following feedback.

ONEIA members are generally supportive of the proposed policy changes as it strikes a balance between increased organic waste diversion and the use of farm co-digestion as an option while promoting best management practices for nutrient management and addressing environmental issues with inorganic contamination.

The areas of concern that we strongly feel need to be addressed will ensure clarity and allow for a fair and balanced approach across the spectrum of organics diversion solutions that can be deployed in Ontario.

About ONEIA

ONEIA is the business association representing the interests of the environment industry in Ontario. ONEIA members work as part of Canada's largest group of environment and cleantech companies. The most recent statistics from the federal government show that Ontario's environment sector employs more than 226,000 people across a range of firms, including working in such diverse areas as materials collection and transfer, resource recovery, composting and recycling solutions, alternative energy systems, environmental consulting, brownfield remediation, and water treatment – to name just a few. These companies contribute more than \$11-billion to the provincial economy, with approximately \$4.5-billion of this amount coming from export earnings. Our network of thousands of contacts includes key environmental technology, product and service companies, law, investment and insurance firms, institutes, universities, and governments.

At ONEIA, our main focus is to support the work of these organizations. From our humble beginnings in 1991, we have grown into an effective and respected industry association that works every day to advance the interests of our members. In our interactions with

provincial and federal policymakers, we advocate for policies based on sound science, a sound environment, and a sound economy.

ONEIA's Resource Recovery Committee (RRC)

The RRC has long advocated for a truly joint process whereby governments set their desired policy outcomes and then collaborate with stakeholders to determine the best pathway(s) to achieve the objectives. ONEIA member companies work in the resource recovery arena and will play a pivotal role in increasing the diversion of organics in Ontario by delivering solutions across the value chain that produce economic benefit for our province in an environmentally responsible manner.

Submission Summary

In March 2020, ONEIA submitted a comprehensive response to the Environmental Registry of Ontario (ERO) posting of the initial discussion paper for these proposed changes. Our comments today are consistent with our core message in this initial response and we continue to emphasize three key recommendations, namely:

1. Deploy a fair and balanced approach that adheres to the industry best practices;
2. Provide clarity and specifics for the acceptable off-farm organics volumes and profiles; and,
3. Continued developmental support for the Ontario RNG and digestate end markets

ONEIA's Specific Comments on the Proposed NMA Regulatory Changes

RRC member companies met to discuss the proposed changes and their input was captured and consolidated into the key points outlined below. We have segmented our comments to fit the structure in the materials for the OMAFRA-led webinars held May 3 and 4, 2021.

A. Key Definitions

We support the proposal to clarify and create new definitions to reflect the proposed changes to the regulations.

B. Design & Construction Requirements

The members have identified some elements in the proposed changes where we recommend more clarity be provided, including;

1. We would like OMAFRA to provide clarity for local municipalities on zoning/land use matters related to this infrastructure, including remote manure/digestate storages that would allow for better redistribution of nutrients with cash croppers.
2. Members expressed confusion with the rationale for making an upgrader be adjacent or < 1 km from the RMADF. If the economics work by running a longer line (e.g. two km) we would question why the Province would want to place a restriction on that? However, we are unsure of the impact to Enbridge and other utility rights and want to better understand the proposed policy. Viable access to an RNG injection location is often challenging and industry needs the flexibility to find a spot that works for an RMADF.
3. We believe there are process benefits to splitting food waste from manure in digestion (bedding recovery, feeding, digestion optimization). To remove any ambiguity, we request more direct language on the percentage, if any, of manure that must be in the food waste digester.

C. Permitted Feedstocks

The increase in the volumes and types of materials is a positive step to developing the circular economy opportunity. To enable the benefits to accrue, however, we believe that

clarity, consistency, compliance, and communication are the key pillars to achieving successful outcomes for all stakeholders. Our specific comments in this area are:

1. The Province needs to provide clarity on non-municipal (i.e. IC&I) food waste and the need to pre-process these materials off-site unless the farm wants to get an ECA;
2. In regards to pre-processing of municipal source separated organics (SSO), we ask for clarity on how we need to manage SSO at transfer stations/pre-processing facilities on a strict compliance or a mass balance basis. OMAFRA believed a common sense, mass balance approach would likely work.

However, does the MECP have the same lens on compliance with the diaper/non-diaper issue at a pre-processing facility as this will be a critical threshold for acceptance by immediate neighbours of facilities and host communities? How certain can we be of this approach on a go-forward basis? This will impact how we have to set up and manage our operations.

3. We support not permitting diapered SSO to RMADFs. Pre-processing this material requires a far different approach than typical food waste, and given the RMADF is not subject to reporting, measurement documentation or any kind of process control monitoring (as industrial facilities are), it seems that allowing this material would pose a risk.
4. We believe that putting a percentage Total Solids (%TS) requirement on processed SSO delivered to the RMADF seems arbitrary. If the site doing the pre-processing must meet a spec of cleanliness and particle size, we would question why the Province would care form the material is in, especially if receipt of the material is required to be in a building under negative pressure? Why is this a concern? Many farms have dry feed systems today and they don't seem to be an issue.
5. We believe that the Schedules (1, 2A and 2B) leave too much room for interpretation for commercial material that is de-packaged. We **need** to add a specific definition similar to SSO, or be more definitive it is a Schedule 2 material.

D. Odour Control Requirements, Pathogens, and Plastics

The addition of odour control requirements is logical, and expected, given the proposed changes will be attractive for large volume projects. Our comments are:

1. We **need** to review the draft odour guidance document before July 1 to ensure that it is in line with industry best practices.
2. Does any treatment need to be applied to the air removed from the receiving building? There needs to be more specific language that does not leave this open for interpretation.

E. Land Application Requirements

One of the largest barriers to an organics diversion program, in any jurisdiction, is the beneficial use of the digestate, in multiple forms. We believe further support is needed to demonstrate the untapped economic and environmental value of that digestate in Ontario.

F. Operational Requirements

We recommend that some regulatory changes be made to support the province-wide need for data to measure and manage the progress of the organics diversion direction being taken by the MECP. The key areas that need further work are;

1. The proposed regulation is forward-looking. We need the ability to look back in history to measure the performance of the policy and its compliance. We believe that annual reports must be submitted to ensure proper tracking of organic waste diversion and that compliance is balanced across the industry and the Province.

This would include keeping testing records as a proactive step and supporting the work of RPRA and other authorities/groups that are keen to understand the management of our recovered organic resources across the residential and IC&I sector.

In this annual report, the RMADF would include a) the material source; b) monthly testing of inbound and outbound products; c) acknowledge any cleanouts; d) rejected/diverted loads; e) determination of 1:1 ratios; f) when and where the digestate was land applied; g) etc. This also protects RMADFs from opposition from environmental groups immediate neighbours and host communities that are concerned about microplastics, chemicals, nutrient loading, etc.

2. The testing frequency for off-farm material and digestate should be increased to protect prime agricultural land. As outlined earlier, we believe that monthly testing regardless of the size of the facility should be required and subsequently included in an annual report.

We welcome the opportunity to discuss our comments further. Please contact Alex Gill, ONEIA Executive Director, at agill@oneia.ca or at (416) 531-7884 should you have any questions.

Yours truly,



Alex Gill
Executive Director

CC;

Charles O'Hara
Shelly Bonte-Gelok
Mary Cummins

Ministry of Environment, Conservation and Parks
Ministry of Environment, Conservation and Parks
Resource Productivity and Recovery Authority