

February 28, 2022

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RE: Requirements for Advanced Recycling Facilities (ERO 019-4867)

The Ontario Waste Management Association (OWMA) is the largest waste management association in Canada and represents more than 250 members within Ontario's private and municipal sectors. OWMA members manage 85% of Ontario's waste and have diverse interests and capital investments in areas, such as waste and recycling collection, material recycling and resource recovery, organics processing and composting, hazardous waste recycling and safe disposal, landfills and transfer stations.

OWMA supports the government's intention to modernize and streamline requirements for advanced recycling facilities to differentiate them from facilities that process waste for disposal. These advanced recycling facilities could include thermal treatment technologies used to process hard-to-recycle plastics and recover materials and marketable fuels.

Prior to proceeding with these changes, OWMA recommends that the Ministry of Environment, Conservation and Parks produce additional documents and amendments for the proposal to provide the following two very important assurances:

1. That new requirements for advanced recycling facilities will not establish a framework that will simply see recyclable materials being redirected from current users, which include other material recovery facilities (MRFs), mechanical plastics processors and tire recycling facilities.
2. That these new requirements will not negatively impact or include anaerobic digestion technologies (AD) into a thermal treatment regulation.

Impact on Mechanical Recycling and MRFs

Regarding concern number one (1.) above, streamlining requirements for advanced recycling facilities will not serve the public interest if the main outcome is siphoning off feedstock materials that would otherwise be processed at Ontario's Blue Box facilities and other material recovery facilities.

While the ministry's supporting documents and backgrounders for this proposal make a passing reference to mechanical recycling as "an effective tool in the Ontario waste management framework", the proposal fails to explain how new requirements for advanced recycling facilities (ARFs) will ensure that feedstock materials are sourced primarily from residual waste or material streams that would otherwise go to landfill for disposal. Should ARFs consume feedstock materials away from MRFs, mechanical plastics processors, and tire recycling facilities, this will not help divert waste from

landfill but rather jeopardize existing waste management businesses by reducing supply of necessary feedstock and increasing the price of remaining supply.

There is limited data on advanced recycling technology and few proven examples in Canada. Reducing thresholds for EA requirements may be premature without the availability of more information and analysis on environmental and human health impacts. The ministry may want to consider revising the term 'advanced recycling' which implies it is a better form than traditional mechanical recycling (and may diminish perceived importance of existing recycling industries in Ontario). As noted in the proposal's background documents, this process is in fact "thermal recycling". Also, the process of advanced recycling may reduce the amount of feedstock available for producers to put back into their products and create a new challenge for industry if the Federal government mandates minimum recycled content for products.

OWMA recommends that further policy explanation be provided on how these new requirements will not redirect recyclable materials away from MRFs, mechanical plastics processors, and tire recycling facilities. The Ministry should consider a regulatory requirement that advanced recycling facilities only source their feedstock from processed residual streams from MRFs, mechanical plastics processors, and tire recycling facilities, and/or from separate streams of difficult-to-recycle materials, as a condition of being eligible for these proposed requirements.

To further ensure that this proposal does not negatively impact mechanical recycling activities and other greenhouse gas reduction efforts, OWMA also recommends the following changes and clarifications in the proposal:

- Legislation should ensure the prioritization of materials recovery and that programs do not detract from circular economy objectives in designing out waste. Policies should follow the circular economy hierarchy through prioritizing designing out waste over material recovery and the avoidance of "downcycling"
- Develop a materials management hierarchy that addresses advanced recycling to help convey intentions in areas of material recovery, design, and recirculation within Ontario
- Clarify of the types of materials appropriate to manage through advanced recycling
- Clarify definition of 'other wastes' to better assess potential impacts to recovery and circularity
- Clarify the preferred operating model for advanced recycling, and address the financial burden on municipalities for the ongoing management of designated and non-designated non-materials
- Ensure the approach to fuel generation through advanced recycling does not detract from the larger efforts to decarbonize the energy mix
- Include impacts on greenhouse gas emissions into the calculation of recovery rates as an incentive for good performance on emissions reduction
- Clarify what constitutes a "realistic market demand" to be considered a recovered material

- Clarify how the Ministry will measure and monitor the environmental benefits of advanced recycling, and consider how it will monitor the circular outcomes
- Consider calculation of the recovery rate based on mass of the residue remaining after processing and sent to landfill as an indicator of performance, as advanced recycling may change the weight/volume of material being fed into the system, and the calculation of the recovery rate based on mass (80%) may not be realistic for a facility that is reducing the original weight and volume of the materials.

Impact on Anaerobic Digestion Facilities

The second (2.) concern that the ministry must address is the potential negative unintended impact on anaerobic digestion (AD) facilities for food and organic waste that may be captured into a thermal treatment regulation.

Ontario's anaerobic digestion facilities provide numerous benefits by diverting food and organic waste from landfill, reducing greenhouse gas emissions, producing digestates for agricultural uses, and providing capacity for generation of renewable natural gas. These facilities utilize a biological treatment process for food and organic waste that is distinct from processes such as pyrolysis and gasification.

Anaerobic digestion facilities are developed and operate under a well-defined regulatory framework and should not be included under requirements for facilities that process advanced recycling of polymer-based materials, rubber, and plastics through thermal treatment technologies. If not addressed, this change could create new barriers and discourage investment in much-needed food and organic waste facilities across Ontario, which would contradict Ontario's Food and Organic Waste Policy Statement.

The ministry's background documents for this proposal state that that any facility that does not meet the classification of advanced recycling will remain under the current environmental assessment regulatory requirements. To provide improved clarity, OWMA recommends this proposal be amended to explicitly exclude anaerobic digestion and composting under the regulation, and more clearly define the technological process that are captured under this regulatory proposal.

The Ontario Waste Management Association looks forward to further discussions on the proposal for new requirements for advanced recycling facilities to ensure it addresses the waste sector's concerns for unintended negative impacts on mechanical recycling and anaerobic digestion facilities.

Sincerely,



Mike Chopowick
Chief Executive Officer