



January 28, 2010

Alena Grunwald
Project Manager
Ministry of the Environment
Integrated Environmental Policy Division
Waste Management Policy Branch
135 St Clair Ave. West, 7th Floor
Toronto, ON
M4V 1P5

Dear Ms. Grunwald,

As the advocacy and member services body for Ontario's 70,000 professional engineers, the Ontario Society of Professional Engineers (OSPE) is pleased to comment on proposed changes to the *Waste Diversion Act*. The purpose of this letter is to expand upon the themes we highlighted at an in-person consultation attended by Bill Goodings, of our Board of Directors, on January 11, 2010 in Toronto.

We are in support of the outcomes-based approach which is at the centre of Ontario's waste diversion review. Despite the success of the municipal blue box program and other waste management initiatives, 85% of Ontario's total generated waste is not captured by current programs. *From Waste to Worth: The Role of Waste Diversion in the Green Economy* rightly calls for clearer objectives with respect to selecting waste to be diverted, setting realistic timelines for waste diversion, clarifying the role of the Ministry of the Environment relative to Waste Diversion Ontario and extending producer responsibility. If implemented, these will be important steps to realizing increased rates of diversion. Zero waste, however, is not an attainable goal in practice or policy.

Clarifying Diversion:

To clarify the concept of diversion, OSPE recommends that the Ministry of the Environment implement a more transparent process for designating materials. Currently, there is little explanation as to why certain wastes are diverted and others are not. This makes it difficult for producers to plan ahead and for the public to gauge how and for what reasons designated materials are being selected.

We also encourage the Ministry, in formulating new programs, to emphasize reuse and reduction activities and reconsider its position on incineration. In 2007, OSPE released a seven-stage hierarchy for the management of solid waste which is summarized below. The residual waste remaining following each stage of this hierarchy would be considered for treatment at the next stage. For a detailed explanation, please refer to the attached policy statement.

1. prevent waste generation where possible
2. reuse the product

3. recycle
4. compost organics
5. incinerate and recover the energy
6. bio-degrade and recover the energy
7. dispose in a sanitary landfill that utilizes or destroys resulting methane

Prevention and reuse occupy the first two levels of this hierarchy because they have minimal effects on the environment and on human health. Given their minimal effects, activities in these areas should take precedent over all others, including recycling. Incineration is included as the sixth stage in the solid waste hierarchy as there may be potential to recover energy before diverting waste to landfill. For this reason, burning waste should not be ruled out as an option. We support continued discussions on this matter, particularly in light of the passage of the *Green Energy Act*, which permits energy generation from biomass.

Setting Realistic Timelines:

OSPE welcomes the development of a long-term schedule for waste diversion targets. Setting clear, realistic timelines will help producers succeed in meeting goals set by the province. However, there may not always be an end market for some or all designated materials. This needs to be discussed further to set appropriate timelines and to avoid the stockpiling of materials which will degrade over time.

Clarifying the roles of the Ministry and of Waste Diversion Ontario:

We agree with the delineation of responsibilities between the Ministry and Waste Diversion Ontario (WDO) as set out in *From Waste to Worth*. However, if WDO is responsible for the administration, oversight, and compliance of the Waste Diversion Act, then it must have the resources it requires to do so. An adequately staffed administration which can register materials management schemes, process waste diversion plans and review annual data submissions in a timely manner will be key to the success of Ontario's waste diversion strategy.

Extended Producer Responsibility:

We see Extended Producer Responsibility as a strong driver of change. We are particularly pleased that producers will be given the flexibility to meet prescribed targets in a way that best suits their business, like the option of joining a waste management scheme. This same flexibility, however, should not extend to the proposed disposal levy, which we support. Steps must be taken to ensure that the levy is not by-passed by trucking waste to neighbouring jurisdictions.

Consumers also have an important role to play in diverting waste. If producers pass on the cost of diversion to consumers, then the diversion fee ought to be visible. This way, consumers will become more informed about the products they are purchasing.

Achieving Zero Waste:

Our overall support for this proposal is coupled with concern over well-intentioned albeit misleading references to Ontario's zero waste future. Ontario has many challenges to solve long before a goal of zero waste can be justified. Even if the province were to significantly increase its level of waste diversion, zero waste is unattainable. Landfills will remain an important component of solid waste management and, if properly designed and managed, are not "blights on the landscape." In the future, we ask that the Ministry take an integrated approach to the

study of waste management-- one that would involve waste management staff and Greenhouse Gas/Carbon footprint staff to ensure that a more balanced conclusion is reached.

Implications for Northern Ontario:

As a final note, we would like to draw attention to regional challenges that will affect the success of Ontario's waste diversion strategy. In northern and isolated communities, where there is less access to recycling markets, diversion is more difficult. This should be made explicit in the framework. Setting aside revenues from the disposal levy to meet rural needs may be in order.

Thank you for this opportunity to participate in the consultation process and for taking our proposals into consideration. Please do not hesitate to contact us for additional information or for clarification of our submission.

Sincerely,



Annette Bergeron, P.Eng., MBA
President and Chair

201008