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Regulatory Amendments to Facilitate Waste Diversion, Use of Alternative Fuels and New and Emerging Waste Management Technologies

The Ministry of the Environment is proposing amendments to regulations under the *Environmental Protection Act* and the *Environmental Assessment Act* to help municipalities and waste generators to divert more wastes from disposal and to better manage residual waste.

The public is invited to comment by September 18, 2006 on the following initiatives.

Facilitating Waste Diversion

The ministry's goal is to help municipalities and industry divert more wastes from disposal by creating incentives to increase recycling. Apart from the environmental benefits of reducing the amount of waste disposed, producers who use recyclable materials can conserve renewable and non-renewable resources, and reduce both energy consumption and environmental emissions.

While many recycling activities already benefit under available exemptions, stakeholders have expressed concerns that the ministry's controls on waste that is destined for recycling are too stringent and act as a barrier to more recycling.

Currently, those controls require generators to ship wastes that are to be recycled directly to the site where they will be recycled if they wish to be exempted. This means that if the waste is to be stored, processed or transferred at an intermediate site prior to recycling, the intermediate site has to first obtain ministry approval. Another requirement is that a recycler (a manufacturer, for example) must wholly use all the waste (i.e., all waste must be fed into the manufacturing process as received).

This discourages recycling wastes that require any pre-processing.

The ministry is, therefore, proposing to **exempt certain wastes that are recycled** but do not meet exemption criteria for one reason or another. These include :

- Waste paint or waste coatings recycled into paint.
- Printed circuit boards recycled by smelters.
- Spent activated carbon recycled by being reactivated.
- Metal bearing waste recycled by smelters.
- Crumb Rubber recycled into products (not fuels).
- Batteries.

- Mercury containing devices and materials (electrical switches, thermostats, fluorescent lamps).
- Waste electrical and electronic equipment (WEEE). The ministry is also proposing to exempt sites used for dismantling intact WEEE so that reusable components can be salvaged and non-reusable components can be recycled.

Another proposed initiative is **exempting certain wastes that can be put to beneficial use.**

Currently, the use of waste asphalt shingles, waste asphalt and waste glass, if used in the construction of roads, walkways and parking lots, are considered wastes and require ministry approval. The ministry is proposing that these wastes be exempted from that approvals process in order to encourage their beneficial use.

The ministry wants to facilitate the development of more programs based on the principle of **extended producer responsibility.** These are seen as potentially important components of Ontario's future waste management initiatives. Producers set up these programs to manage products when they become waste or at their end-of-life for reuse, recycling or proper disposal. The government established the *Waste Diversion Act* to help promote waste reduction, reuse and recycling programs based on the principle of extended producer responsibility.

Such programs are currently a form of waste management and therefore require ministry approvals. By providing a simpler regulatory mechanism for such systems, the ministry hopes to support the development of these programs, whether developed voluntarily or under the *Waste Diversion Act*.

The ministry is seeking public comments on a proposal for a regulatory approach that would exempt any extended producer responsibility based system designed and operated in accordance with regulatory requirements. The proposed approach would involve defining a responsible entity and establishing the scope of key aspects of the system, such as wastes, processes, and reporting. There would be no approval requirements for these systems, making implementation quicker, simpler and less costly.

Use of Alternative Fuels

The ministry is proposing to eliminate the approval process for converting certain wastes into alternative fuels in order to keep these wastes out of landfills and put them to beneficial use. All air emission approvals will remain in place.

Ethanol and biodiesel are clean burning additives that can reduce the use of fossil fuels. Both are made from biomass, a renewable source of energy made from agricultural residues and waste from forestry operations and food processing. Biodiesel can be blended with petroleum diesel for use in diesel engines, and ethanol can be blended with gasoline for use in gasoline engines.

Currently, these agricultural, forestry and food wastes, if used to produce biomass, must go through an approvals process even though the environmental benefits are clearly better than sending these wastes to landfills.

At the moment, industries such as pulp and paper manufacturers, that burn **woodwaste** for any purpose must obtain ministry waste approval, and they may also be subject to a mandatory hearing.

Only facilities that burn a small amount of woodwaste – up to 100 tonnes per day – as a fuel or fuel supplement are exempt from waste approvals.

Removing this limit will encourage greater use of woodwaste as an alternative to fossil fuels.

Facilities that burn woodwaste to produce electricity would continue to be subject to the Electricity Projects Regulation under the *Environmental Assessment Act*.

New and Emerging Waste Management Technologies

New and emerging waste management technologies, including energy-from-waste technologies such as gasification and plasma arc, are operating in other jurisdictions but are unknown in Ontario.

Ontario's existing approvals process does not distinguish between pilot, demonstration or full-scale operations or between proven and unproven technologies. This hinders the testing and development of new and emerging technologies.

The ministry is proposing to change that by exempting these pilots or demonstration projects from the environmental assessment process and from a mandatory waste hearing.

These projects will be allowed to operate for three years and process no more than 75 tonnes of municipal waste per day. Upon request, a pilot could be extended for an additional two years by the ministry, if they meet the ministry's conditions. They will still be required to apply for a certificate of approval under the *Environmental Protection Act* and to meet Ontario's tough emission standards.

If these projects prove viable and the proponent wants to continue operating as a permanent facility, it must go through the environmental assessment process.