

November 22 2012

To:

The Hon. James Bradley
Ministry of the Environment
11th Floor, Ferguson Block
77 Wellesley Street West
Toronto, Ontario M7A 2T5

From:

The 21 member groups of the Ontario Zero Waste Coalition

Dear Minister Bradley:

Thank you for your response to the Ontario Zero Waste Coalition.

Our Coalition members are aware of the steps you have taken, since you became Environment Minister, to improve the Province's waste diversion programs and to protect against harmful chemicals. We also appreciate cost recovery changes made to Stewardship Ontario and similar coming changes to the Ontario Tire and Electronic Stewardship Programs. We look forward to seeing the outcomes of the various reviews you have implemented. As well, the focus on instituting a skills-based board at Waste Diversion Ontario is welcomed. As we noted in earlier comments to the process, there should also be public representatives on the WDO board.

We note that your government's priority is "to divert as much waste as possible from disposal through the 3Rs" (reduce, reuse, recycle) but we respectfully suggest the emphasis so far has been on recycle/diversion when "reduce" would offer the greatest environmental benefit.

If the focus was on waste reduction and the government implemented the tools at its disposal, including taxes or bans on non-recyclable materials, reduced packaging legislation and more comprehensive EPR programs among others, then there would be far less waste requiring disposal and in particular, too few residuals to burn in incinerators.

Thank you for clarifying your government's position that "for material that cannot be recycled, energy-from-waste (incineration) is an acceptable disposal option". As far as we know it's the first time your government has clearly stated that you support incineration. We will ensure this Provincial policy, and its implications for communities around Ontario, is widely understood by the public.

We could not disagree more strongly with this policy.

You have stated the important objective of “maximizing waste that is kept out of our lands and waterways” but incineration does not accomplish this goal. The first law of physics states that matter cannot be created or destroyed it can only be turned into something else, so 100% of the matter fed into incinerators comes back out as either ash or emissions. Bottom ash is still landfilled and the extremely hazardous fly ash must be landfilled in specially built hazardous waste dumps. The Brampton incinerator trucks its ash to Quebec and the Durham incinerator will be trucking its ash to New York State — hardly a “local solution to a local problem”.

The rest of the matter processed by these plants comes out as emissions that are dispersed over a wide area, creating landfills in the sky that end up coming down into human lungs, on agricultural land and into our lakes and surface water. Incinerating/gasifying waste and turning most of it into airborne emissions does not keep the dangerous chemicals released/formed when they are combusted, out of our environment.

These emissions include the deadly nano-particles, capable of insinuating themselves into human bloodstreams and crossing the blood/brain barrier. This is why thousands of European doctors have called for ban on the building of new incinerators and why 75 local doctors spoke out against the building of the Durham-York incinerator.

It’s important to note that the best emissions control systems simply capture some of the toxic pollution and transfer it to fly ash or other residue that is then buried, so you are not getting rid of pollution you are just putting it in land instead of air.

You say: “These types of facilities must meet Ontario’s stringent air standards and obtain the necessary environmental approvals, including meeting requirements under the Environmental Assessment Act”, yet the Plasco incinerator in Ottawa had 25 records of non-compliance with emissions standards — one for every 11 days of operation — and was still green-lighted by your ministry.

Furthermore, your Ministry did not adequately review the emissions from the Durham-York incinerator and allowed higher PM 2.5 emissions than those assessed for health risk in the Environmental Assessment. As for monitoring, though particulate matter (PM 2.5) in ambient air in the Courtice area where the Durham-York incinerator would be sited, is almost at the Canada Wide Standard, the Ministry of the Environment did not require continuous monitoring of PM 2.5 though its own A-7 guideline recommends such continuous monitoring.

Also, as you are well aware, the new regulations on emissions, introduced by your government in 2005, have been extensively watered down with loopholes allowing site-specific exemptions and new technical standards for specific sectors. The interest the government has shown for the Canadian Manufacturer’s and Exporters (CME) concerns about the legislation and their request for “a balanced interpretation of the science”, makes us wonder what further loopholes may be

forthcoming.

You say: “(Incinerators) must also not discourage diversion efforts”. These are fine words but they carry no weight. After an incinerator is built, what enforcement powers does the Province have to ensure municipalities continue diversion efforts? Durham no sooner got approval for the Covanta incinerator than they cut back on their budget for waste diversion programs. This result can be expected in any municipality that approves incineration because the simple fact is that municipalities cannot afford to fund incinerators AND support waste diversion. In fact, municipalities need to generate fixed amounts of garbage to fulfill the put-or-pay contracts they sign with incinerator operators so once an incinerator is built there is no incentive to increase diversion, in fact, the incentive becomes to ensure that enough waste is generated.

To give your words meaning and to achieve the desired result of reducing waste and protecting human health and the environment, we suggest the Province require municipalities to achieve a diversion rate of 75% (an achievable target as San Francisco has demonstrated with a diversion rate of 80%) before considering building an incinerator. Do not construe this as support for incineration on OZWC’s part. We simply believe that if municipalities achieved diversion rates in this range they would realize incineration is an unnecessary and unaffordable option.

You say: “for material that cannot be recycled, energy-from-waste is an acceptable disposal option that municipalities and the private sector can consider to manage their waste.” Almost everything that is being produced is being recycled somewhere in the world. For instance, most carpeting can be recycled but what programs are in place to do that in Ontario? There are numerous other examples. Unfortunately, most municipalities haven’t yet tried even the simplest policies to reduce and/or to maximize diversion and re-use.

As we have mentioned, many municipalities have not even instituted green bins when 40 to 60% of all municipal waste is organic. And, as you know, it is the organics in landfill that are causing the methane emissions that we should be working hard to eliminate. Only one municipality that we are aware of has mandated the use of clear garbage bags that would encourage people to be more thorough in their diversion efforts and would also make it easier for municipalities to target homeowners who are not doing their bit, either for education or fines. Most municipalities have not created collection for fabrics (Germany was doing this in the 1980s). Many cities have not tackled extending recycling to multi-res. Few municipalities have re-use and repair centres where residents can drop off unwanted items and other residents can take them at no or low charge. In short, there are so many more tacks that could be taken before jumping to the high cost, high-risk option of incineration.

The Province should be working to standardize diversion programs around the Province, require green bin programs in every municipality (it is outrageous that

even some large Ontario cities are not removing organics from the waste stream) and work the levers at your control (deposit returns, eco taxes, EPR, reduced packaging legislation etc.) with the focus on reducing waste.

As it is, you have municipalities that haven't even captured the low hanging fruit of recycling by bringing in green bins, considering incineration.

You seem to accept that there will always be a significant amount of residuals but there needn't be. As our member, the Toronto Environmental Alliance has advocated, bans on the disposal (landfill or incineration) of recyclables should be implemented. That would certainly cut down on residuals. Waste studies show that a high percentage of material currently going to landfill could be recycled. Once your ministry puts all appropriate waste reduction policies and legislation in place, and once municipalities achieve their diversion targets the next step is to bring together industry, institutes of higher education and scientists to study whatever residuals remain and design a plan to phase them out.

Another problem is that there are currently many hucksters running around the Province trying to sell unproven and even non-existent incinerator/gasification technologies to naïve councils who are too dazzled by good suits and pretty Powerpoints to ask probing questions or to check into the backgrounds and operating histories of these marvelous magic boxes that make garbage go *poof*.

It should not be up to the citizens of this Province to prove their misfeasance but that has been the case in several instances. See the PEG and WasteAway examples attached. We also understand Six Nations recently lost several million dollars to incinerator operators who didn't deliver.

Surely the Province has a role in putting in place proper waste policies and legislation that would preclude this Wild West environment.

We appreciate this comment: "We welcome the opportunity to further cooperate with you and your colleagues as we work to drive greater waste diversion in the province," but we wonder how it can be achieved. Citizen's groups seem to have far less access to your ministry than paid lobbyists for the incinerator industry, municipal politicians/bureaucrats pushing their plans and the CME.

We note that at a June 29 meeting of the South Central Ontario Region Economic Development Corporation to entertain Covanta, WasteAway, the Canadian Energy-from-Waste Coalition and a delegation from the Region of Durham, Durham Region reps noted that the Ministry of Environment has "no experts on incineration, so we have to educate them as we go." This is alarming to the many members of OZWC. We wonder if the Ministry has Zero Waste experts and, if not, can we be given an equal opportunity to educate ministry staff on Zero Waste.

We acknowledge that the Province, industry, local governments and citizens all have

a role in reducing waste and we are doing our best to educate citizens on the need to reduce and divert waste. We ask that the Province step up its game, demand more from manufacturers and municipalities, engage with citizens and rethink its support for incineration/gasification.

Yours truly,
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