

Via email

September 27, 2011.

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Dear Ontario Party Leaders:

Re: Waste Diversion Act review and policies for a Zero Waste Future for a healthy Ontario

First, the Ontario Zero Waste Coalition wishes to commend you on your candidacies in the upcoming election. We wish you the best of luck.

Second, we wish to commend the current government on some of the progress made around energy policies in their last term and the preliminary steps taken to review the Waste Diversion Act and move on Zero Waste policies.

Third, having watched the leadership debate and recognizing that the issue of waste, an issue that affects all municipalities and citizens in Ontario, was never raised, the Ontario Zero Waste Coalition wants to remind all of the Province's leaders that waste reduction and management must be a part of your agenda. We note that the Association of Municipalities of Ontario recently took out two full pages of advertising to highlight this issue. We want to ensure that as party leaders, all of you are aware of our concerns around the gaps in Ontario's current waste policy framework and our concerns about the erratic Environmental Assessment process that is used to evaluate many projects in Ontario. Currently, the Ministry of Health has no direct role in project reviews and to ensure public health impacts of waste (and other) projects are properly identified, considered and addressed from a medical and scientific perspective.

Ontarians require a clear policy framework so that governments make evidence-based decisions based on solid information, which employ the precautionary principle where uncertainty exists. Coherent,

integrated policies are required to ensure that provincial review and evaluation processes arrive at sound decisions that are defensible.

Ontarians require evidence-based decisions around waste projects and especially for incinerators. The recent Minister and Ministry of Environment approvals for the Durham-York incinerator set a dangerous precedent and could undermine efforts to improve air quality and public health outcomes in Ontario.

There has been no response to the two letters as described in Sections A) and B) below.

A). On April 27, 2011, members of the Ontario Zero Waste Coalition presented a set of recommendations to representatives of the Ministry of the Environment. We include our original recommendations and have updated some in light of information available since April 2011 and have attached our letter of April 27th. We urge all parties to consider our recommendations and urge Ontario's next government to consider and act on them.

10 Recommendations of the Ontario Zero Waste Coalition

1. Move forward as swiftly as possible, to introduce a new Waste Diversion Act, that will propel us to the Zero Waste Future that former Environment Minister Gerretsen promised in 2008. The Province's strategy must focus on "why are we generating so much waste" rather than on "what do we do with it". With that focus, action must revolve around ways to REDUCE, reuse, recycle, compost — in that order.

2. Repeal the March 2007 exemption from the Environmental Assessment Act this government gave to pilot and demonstration incineration projects with a maximum capacity of 75 tonnes per day. Plasco has processed only a tiny fraction of their permitted maximums yet has recorded emissions exceedances between 2008 and 2010. Plasco have prepared an Environmental Screening Report and now seek approval for a permanent commercial operation that would process additional non-residential waste, though their demonstration plant failed to meet claims and incurred at least 25 records on non-compliance of emissions.

3. Ban new municipal waste incinerators as they are a risky, inefficient and expensive disposal option that pollute our air, land and water and area associated with serious health effects.

Ban existing incinerators from burning recyclables and compostable materials and require a secondary sort to remove such materials for approved incinerators.

We ask that the next government reintroduce legislation that would ban the building of new incinerators/gasification/plasma arc/pyrolysis plants for municipal waste. These projects have a long history of operating problems, cost overruns and put-or-pay contracts that can bankrupt municipalities.

As well, incinerators generate emissions that are a danger to public health and greenhouse gases that add to global warming. In a world where over-consumption is at the heart of most of our problems it makes no sense to burn resources. The operator chosen to design, build and operate the Durham-York incinerator has a record of emissions violations at many plants they operate in the United States.

There has been a litany of errors associated with the Ministry of the Environment's review of the Durham-York incinerator Environmental Assessment and Certificates of Approvals applications. The validity of the health risk assessment has been called into question and recent information indicates there would be an unacceptable incremental health risk attributable to the incinerator.

4. Issue a clear statement backed up by policies, to municipalities and incineration companies, that incineration is not "green energy" and that the government will not support it or subsidize it.

The incineration industry is engaged in "greenwashing", promoting incineration as green energy and garbage as a renewable resource. In the absence of clear policy, municipal politicians are actively promoting incinerators as a "green" solution to garbage and incinerators as the kind of business they want to attract to new green or energy business parks.

5. End taxpayer-funded incentives and subsidies to the incineration industry.

In December 2008, former Ontario Energy and Infrastructure Minister George Smitherman added impetus to the Plasco Ottawa incinerator by directing the Ontario Power Authority to purchase electricity from it at a rate of 8 cents per kilowatt-hour - almost three times the resale rate and representing a significant taxpayer subsidy. A similar directive for the same price was issued for the Durham-York incinerator.

Plasco received \$5.9 million from Sustainable Development Technology Canada, a \$4 million non-interest loan from the Ontario Ministry of the Environment and \$8 million a year from city of Ottawa. If the government has money to invest it should be spent on recycling, reuse and composting plants that will create more jobs and have more benefits for people and the environment.

6. Work with municipalities to standardize diversion policies across Ontario.

Many municipalities around the Province are still not separating organics. Given that organics in landfills are a major source of methane and that organics comprises 40 to 60 % of all municipal waste and that composting it creates a valuable commodity, why can't Green Bins be mandated? Business likes certainty. If entrepreneurs were confident about the types and quantities of materials being diverted you can be sure they will create businesses to recycle/reuse/compost it, creating more jobs here in Ontario in the process.

7. Implement diversion targets for municipalities and require reporting to ensure targets are met.

Many municipalities are jumping to incineration without even harvesting the low hanging fruit of waste reduction like organics collection.

8. Find a way to include First Nations Communities in blue box, take-it-back and other producer-sponsored diversion programs.

9. Redesign Stewardship Ontario so there is citizen oversight. The problems with E-waste collection, as outlined by the Toronto Star on May 11 2010 and recent articles about the Eco Fee fiasco should highlight that you cannot leave foxes in charge of the henhouse.

Product Stewardship programs should ensure that producers have incentives to make products that are easier to recycle, less harmful and result in less residual waste.

10. Reinstate Eco fees “on the shelf” not “at the counter”. We should be looking to incentivize the things we want (i.e. less toxic, better packaged products) and discourage those we don’t (i.e. toxic and wastefully packaged ones). Because we don’t consider a product’s cost to the environment, many “green” products cost more than less-environment-friendly ones. Put the “eco tax” on the shelf price so consumers can make wiser choices.

B) Need for Independent Review of Health Risks Associated with Incineration and as well as a Review of Approvals for Durham-York Incinerator.

On September 15, 2011, a letter was sent to the Ministers of Health and the Environment describing the failure of both ministries to ensure that the health and ecological risk assessment for the Durham-York incinerator properly assessed the health risks related to emissions of particulate matter smaller than 2.5 microns (PM 2.5). The letter was written on behalf of and endorsed by three Durham Region based groups who had previously identified serious deficiencies in the Environmental Assessment studies.

The September 15th letter requests an immediate review of the recent EA and C of A approvals for the Durham –York Incinerator in light of identified health risks. Furthermore, the next administration must require a review of the health risks associated with incineration to be conducted by independent, qualified medical and scientific experts. Policies will need to be revised in accordance with these findings.

As recent events and the promised scrapping of two natural gas plants demonstrate, political decisions often have unforeseen and usually expensive consequences. This would be an opportune time for the next Premier to require a review the Durham-York approvals. As they stand, they set a dangerous precedent and would undermine Ontario’s efforts to improve air quality, public health outcomes, conservation of resources and protection and preservation of our natural environment.

We learned in a recent news article that the incinerator operator, Covanta Energy of New Jersey, is looking for a new general contractor. This may delay the construction timeline envisioned by the Regions. No building permit has been applied for yet by the proponents nor has site approval been granted by the host community .

In conclusion, we urge Ontario’s party leaders to consider our concerns and if elected, to commit to:

- 1) completing the Waste Diversion Act Review considering our specific recommendations above;
- 2) implementing Zero Waste policies and Product Stewardship programs that provide incentives to make products that are easier to recycle, less harmful and result in less residual waste.
- 3) Banning new municipal solid waste incinerators. Ban approved incinerators from burning recyclables and compostable material and require a secondary sort.
- 4) Undertake a review of the health effects of incineration by independent, qualified medical and scientific experts.

- 5) Undertake a review of the Durham-York incinerator Environmental Assessment approval and Certificates of Approval in light of concerns raised and health review results.

Yours truly,

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Encl. April 27, 2011 letter from Ontario Zero Waste Coalition to the Ministry of the Environment

September 15, 2011 letter from Wendy Bracken to the Ministers of the Environment and Health
on behalf of DurhamEnvironmentWatch, Durham CLEAR and ZeroWaste4ZeroBurning