

The Ministry of the Environment (MOE) is working to update Ontario's compost framework to provide improved guidance for compost operators and a wider range of composting opportunities. This would be done through revisions to the ministry's compost guidelines (the proposed /Guideline for Composting Facilities and Compost Use in Ontario/) and supporting regulatory amendments.

Organic waste makes up approximately one-third of Ontario's waste stream and consists of:

- \* Leaf and yard waste;
- \* Household "green bin" waste;
- \* Food from restaurants, hotels, schools and hospitals;
- \* Residue from food processing operations and supermarkets;
- \* Spoiled food;
- \* Sewage biosolids and septage; and
- \* Pulp and paper mill biosolids.

At present, most organic waste in Ontario is sent for disposal in landfills or is land applied. Organic waste takes up valuable space in landfills. It decomposes in landfills, creating methane (a major greenhouse gas) and leachate. Land application of organic material, especially biosolids, without further treatment through composting, often faces considerable public opposition due to concerns about odours and perceived pathogen risks.

/\*Summary of Proposed Changes\*/

\*Best Management Practices

\*The ministry is proposing to update the Interim /Guidelines for the Production and Use of Aerobic Compost in Ontario/ (2004) to include the most up-to-date best management practices and standards. This would provide better guidance that reflects the realities of today's compost industry - which has grown from a small industry of mostly leaf and yard waste composting when the guidelines were first developed in 1991, to a major industry sector that now composts a broad range of materials, including household food waste.

Updated guidance on facility siting, design, equipment use and operating procedures, including feedstock control and odour prevention, would help minimize environmental impacts, such as odours, as well as improve the quality of finished compost, and facilitate the approvals process for both applicants and ministry staff.

\*New Compost Categories\*

To support the composting of more organic materials, the proposed Guideline would establish three new categories for finished compost (AA, A and B):

- \* /Category AA/ - Ontario's current compost standard, which is the highest quality compost product, and the strictest standard in Canada.
- \* /Category A/ - Category A would be the same as AA in almost all regards, except it would allow slightly elevated levels of zinc and copper in the finished compost and would allow biosolids that meet the feedstock metal standards to be used as feedstock.

- \* /Category B/ - Category B would allow higher levels of metal in the finished compost than Category A, and would also allow biosolids that meet the feedstock metal standards to be used as feedstock.

The proposed Guideline would set out quality standards (metals, pathogens, maturity and foreign matter) for each category of compost, as well as restrictions for the use of each category commensurate with the quality of the product and the risks associated with its application, to ensure protection of the environment and human health.

**\*Amendments to Regulation 347 under the EPA\***

Currently, composted material that meets the ministry's existing compost standards is exempted from being considered a "waste" through a compost facility's Certificate of Approval. The proposed regulatory framework would end this practice with an amendment to Regulation 347 under the /Environmental Protection Act/ (EPA) to establish an exemption from the definition of "waste" for certain compost that meets the standards and requirements in the revised /Guideline for Composting Facilities and Compost Use in Ontario/.

The proposed amendments to Regulation 347 would give legal effect to the proposed new compost quality standards and application restrictions set out in the Guidelines by providing the following exemptions from the ministry's approval requirements:

- \* Exempt /Category AA/ compost that meets the quality standards set out in the proposed Guideline from the definition of "waste", which would exempt Category AA compost from the ministry's approval requirements for use and transport.
- \* Exempt /Category A/ compost that meets both the quality standards and labelling requirements set out in the proposed Guideline from the definition of "waste", which would exempt Category A compost from the ministry's approval requirements for use and transport. Labelling requirements would ensure that generators inform end-users about proper compost application to prevent excessive levels of metal in the soil.

Category B compost would continue to be a "waste" under the EPA, which is subject to all of the ministry approval requirements for transportation, use and disposal. However, Category B compost may be put to beneficial use through a variety of regulated uses, such as on agricultural land as a 'nutrient' pursuant to O. Reg. 267/03 under the /Nutrient Management Act, 2002/ (NMA), or as a soil conditioner on non-agricultural land (e.g., for land reclamation, mining rehabilitation, reforestation, etc.), pursuant to an organic soil conditioning site Certificate of Approval.

The ministry also proposes to exclude compost from the retail exemption in s. 3(2)1 of Regulation 347. Currently, any compost that is "offered for retail sale to meet a realistic market demand" is exempt from the requirements under Part V of the EPA and Regulation 347.

\*Amendments to O. Reg. 267/03 under the NMA\*

The following complementary amendments to O. Reg. 267/03 under the NMA are proposed to ensure consistency with the proposed Compost Guideline and the proposed amendments to Regulation 347 under the EPA:

- \* Amend the definition of "Compost Guidelines" in O. Reg. 267/03 to reflect the revised name of the guidelines - /Guideline for Composting Facilities and Compost Use in Ontario/.
- \* Amend the definitions of "non-agricultural source material"(NASM) and "agricultural source material" (ASM) in O. Reg. 267/03 to exclude compost that meets the "Category AA" or "Category A" quality criteria set out in the revised Compost Guideline. Currently, the definitions of "NASM" and "ASM" exclude any "compost that meets the Compost Guidelines". These definitions need to be amended to reflect the new expanded categories of compost. As compost would be strictly regulated under the compost framework, and as both Category AA and A compost would be required to meet stringent metal, pathogen, maturity and foreign matter content requirements under the compost regulatory regime, these materials would be excluded from the testing requirements and application restrictions under the NMA.
- \* List "Category B Compost" as a "Category 3" material in O. Reg. 267/03. Under the NASM framework, all materials that contain sewage biosolids or human body waste, or that are likely to have higher pathogens, are listed as a "Category 3" material. Although compost that meets the Category B quality standards in the Compost Guidelines would have low pathogen levels, as Category B compost is likely to contain sewage biosolids, Category B compost would be listed as a "Category 3" NASM.
- \* Exempt Category B compost from the additional pathogen testing requirements set out in O. Reg. 267/03. Under the NASM framework, Category 3 materials must be tested in order to demonstrate that they have low pathogen levels. However, under the proposed compost framework, all compost (AA, A and B) would already be required to meet strict pathogen treatment and testing requirements, which meet the low pathogen requirements ("CP1") under the NASM framework. Therefore, compost would not need to be tested for pathogens again.
- \* List Category B Compost under the NASM table for odour categories as an "OC1", which represents materials with the lowest level of odour. All compost that meets the maturity requirements set out in the Compost Guideline would be a low-odour material.

Purpose of Regulation:

The proposed revisions to the compost framework would:

- \* Support increased waste diversion from landfill;
- \* Establish three new categories for finished compost (AA, A and B), which would allow the composting of a broader range of materials (such as septage, sewage biosolids and pulp and paper mill biosolids) in a manner that is protective of the environment and human health;

- \* Offer municipalities additional options for the management of biosolids;
- \* Align Ontario's compost standards more closely with other provinces;
- \* Provide consistent treatment for the application of compost both on and off agricultural lands;
- \* Provide updated best management practices for compost facilities, municipal waste managers and ministry staff;
- \* Provide better guidance to help minimize odour emissions and improve overall facility operations;
- \* Strengthen the government's protection of the environment by applying consistent requirements and expectations for all compost facilities.

Other Information:

Attached are:

- \* The Draft /Guideline for Composting Facilities and Compost Use in Ontario/;
- \* A summary of proposed amendments to Regulation 347, under the EPA; and
- \* A summary of proposed amendments to O. Reg. 267/03, under the NMA.

The draft regulations and guidance materials are provided to facilitate public consultation. Should the decision be made to proceed with this proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure and form of the draft regulations and guidance materials are therefore subject to change as a result of the consultation process.

Public Consultation:

This proposal has been posted for a 60 day public review and comment period starting November 24, 2009. If you have any questions, or would like to submit your comments, please do so by January 23, 2010 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to January 23, 2010 will be considered as part of the decision-making process by the Ministry of the Environment if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 010-6658.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

Other Public Consultation Opportunities:

MOE will be conducting additional stakeholder consultation sessions in the following locations:

London - December 14, 2009 (1:30-4:30 p.m.)

Toronto - December 15, 2009 (1:00-4:00 p.m.)

Ottawa - December 16, 2009 (1:00-4:00 p.m.)

If you would like to attend one of the meetings, please RSVP at least 2 business days prior to the meeting with your preferred meeting location by contacting Brad Guglietti at 416-314-9404 or by email at [brad.guglietti@ontario.ca](mailto:brad.guglietti@ontario.ca). The address will be provided upon registration.

Regulatory Impact Statement:

The anticipated environmental consequences of the proposal are positive or neutral. This proposal would support diversion of organic waste in Ontario that would otherwise be sent for disposal.

The anticipated social consequences are positive to neutral. This proposal would provide municipalities with greater choice in how they manage organic waste and give consumers more compost product options. This proposal would also provide better guidance to compost facilities; properly managed compost facilities are less likely to cause odour issues in their neighbourhoods.

The anticipated economic consequences of this proposal are positive to neutral. The proposed exemptions from the ministry approval requirements for transportation and use of compost that meet the ministry's standards would support the government's commitment to reduce the regulatory burden for businesses in Ontario. The proposed amendments would also lead to high value jobs by stimulating the green economy.

All comments on this proposal must be directed to:

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