



July 3, 2021

Ms. Shannon Boland
Project Manager
Ministry of the Environment, Conservation and Parks
Divisional Compliance Branch
135 St. Clair Avenue West
Floor 8
Toronto, ON
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RE: WIHL Comments to ERO Posting 019-2972: Modernizing Environmental Compliance Practices Of The Ministry Of The Environment, Conservation and Parks

Dear Ms. Boland,

Walker Industries Holdings Limited (Walker) is pleased to provide comments related to Modernizing Environmental Compliance Practices Of The Ministry Of The Environment's proposal to update compliance policy to focus more resources on incidents and complaints from the public that pose a higher risk to the environment and/or human health and on holding polluters accountable.

For nearly 130 years, Walker has operated businesses in the aggregates, material recovery, residuals management, and emulsion production sectors in Ontario. Through our Environmental and Aggregates divisions, Walker has extensive experience with odour and dust management in Ontario through our landfills, compost facilities, pits and quarries. We apply best management practices in our operations to reduce nuisances to our neighbours and are committed to the communities we serve. Thank you for the opportunity to provide comments to the Ministry for consideration.

We are committed to engaging with governments as they develop policies and regulations that are consistent with our principles of sound science, sound environment and a sound economy. To that end, provide the following comments:

WIHL has been consistent in our support of the modernization of all policy and regulations related to the resource recovery/waste management industry. We are also supportive of changes that reduce red-tape and streamline regulations to create a business environment where new and/or improved technologies and methods for recovering the value inherent in our waste stream is for the benefit of Ontarians.

1. WIHL Is Deeply Concerned: With the key pillars for the compliance modernization policy being the proposed odour and land use guidelines, WIHL's deep concerns under those two proposals translate to this proposal.

We feel strongly that all three proposals will combine to inhibit the investment in innovative technologies being developed in, or attracted to, the Province. Without this investment, Ontario risks not being able to achieve our waste diversion and circular economy objectives.

WIHL's concerns can be summarized under three key points, which are;

A) Process Ambiguity: Additional measures introduced in the policy and the linked guidelines, including modelling and planning, create ambiguity for proponents of environmental technologies as the project requirements will change based on the variable application of the policy and linked guidelines by MECP regional and district offices;

B) Project Uncertainty: Expansion of existing facilities or the development of new facilities will be challenged by policy and guidelines that introduce project uncertainty, which contradicts the government's economic development and environmental protection policies; and

C) Investment Risk: Costs associated with additional environmental studies and resultant mitigation measures or solutions creates investment risk without an environmental benefit, other than potential reduction of complaints, which is a highly subjective metric.

2. WIHL Requests Further Consultation Be Undertaken: WIHL recognizes and supports science-based policy and regulation to achieve environmental, social and economic benefit. Further consultation with industry will enable this objective and we respectfully request that the MECP commit to further engagement with industry before finalizing this policy.

We believe further consultation will ensure that opportunities for environmental benefit, innovation and investment are the likely outcomes from the Compliance policy modernization. We also believe both the Land Use and Odour Guideline proposals must also include further consultation given all three are linked.



WIHL's Specific Comments And Questions On The Proposal

WIHL has a common purpose with the MECP to protect the environment, deliver the needed resource recovery solutions of the 21st century, and work together and in harmony with all stakeholders. WIHL members have provided input in the development of this submission. The detailed comments and questions expressed by the working group follows using the structure presented in the draft policy.

Section 4

- Can the MECP develop a report card on inspections by region, by sector?
- They need to inspect all types of businesses rather than targeting specific businesses
- Does the spill action line now take complaints or notice of potential violations ?

While the Informed Judgement Matrix is a good tool we are concerned about its use. As an example a "bad actor" operating a transfer station without a permit has No to Low environmental impact and could continue to operate while the MECP applies the Matrix to determine any penalties.

Section 5

There does not appear to be a process to defend against an administrative penalty.

In Summary

We welcome the opportunity to discuss our position and comments further. Please contact Tim Murphy, at TMurphy@walkerind.com or at (905) 351-7995 should you have any questions.

A handwritten signature in black ink, appearing to read 'Tim Murphy', with a stylized flourish at the end.

Tim Murphy
VICE PRESIDENT
ENVIRONMENTAL PERFORMANCE DEPARTMENT



cc. Hon. Doug Ford Premiers Office
 Hon. David Piccini Environment, Conservation and Parks
 Hon. Vic Fedeli Economic Development, Job Creation and Trade
 Mr. Giles Gherson Economic Development, Job Creation and Trade
 Hon. Steve Clark Municipal Affairs and Housing