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Re: CBA Feedback on ERO 025-1367 – Renewable Energy Approval (REA) amendments

On behalf of the Canadian Biogas Association (CBA), thank you for the opportunity to provide comments on ERO 025-1367 – Renewable Energy Approval (REA) amendments.

The CBA represents Canada's biogas and renewable natural gas (Biogas & RNG) sector, including large, centralized facilities, municipal wastewater facilities, landfill gas collection facilities and on-farm and agricultural-based biogas facilities operating across Ontario. All these facilities play an essential role in managing organic materials and generating local energy production.

The CBA supports the Ministry's proposed approach to narrowing when a Renewable Energy Approval (REA) is required, particularly for on-site, ancillary, and lower-risk renewable activities. We also support the proposed reduction in mandatory Ministry review of Natural Heritage Assessments, which will improve predictability and reduce unnecessary cost and delay for projects with a limited environmental footprint.

On-farm biogas as ancillary agricultural infrastructure

These amendments are particularly important for on-farm biogas facilities. In many cases, on-farm anaerobic digestion systems are not standalone energy projects but rather supporting agricultural infrastructure that is integrated into an active farming operation. Agriculture remains the primary land use, while biogas facilities function as ancillary uses that support:

- manure and organic waste management,
- nutrient stabilization and recycling,
- odour and emissions reduction, and
- improved environmental performance of farm operations.

From a land-use, environmental, and operational perspective, on-farm biogas facilities are best understood as part of the agricultural system rather than as utility-scale renewable energy generation.

Sufficiency of the Nutrient Management Act framework

Ontario already regulates on-farm anaerobic digestion through a comprehensive and risk-based framework under the Nutrient Management Act, 2002 and its regulations. The NMA governs:

- eligible feedstocks, including mixed anaerobic digestion systems,
- storage, handling, and land application of digestate,
- setback requirements and nutrient application rates, and
- record-keeping, monitoring, and compliance obligations.

This framework applies regardless of whether biogas is ultimately used for electricity, renewable natural gas, or thermal energy, and provides robust protection for soil, water, and agricultural land. The NMA provides extremely detailed and comprehensive requirements. Any facility that meets these requirements has no need for any other form of permit or review, such as a REA.

In this context, additional approvals under the REA framework can be duplicative where they do not address incremental environmental risk, particularly for facilities that are ancillary to farming operations and proportionate in scale to on-farm feedstock and activities.

Importance of clarification in REA implementation

While CBA recognizes that the proposed amendments do not automatically exempt biogas facilities from the REA framework, they create an important opportunity to clarify how on-farm biogas should be treated in practice. To support consistent and proportionate implementation, CBA encourages the Ministry to:

- Explicitly recognize in guidance that on-farm biogas facilities are typically ancillary to agricultural operations where farming remains the primary land use;
- Confirm that upgrades, repowering, and modest expansions of existing on-farm biogas facilities should not automatically trigger a REA where the facility remains proportionate in scale and function and continues to rely primarily on on-farm feedstock; and
- Align REA interpretation with the existing Nutrient Management Act framework, recognizing it as the primary mechanism for managing environmental risks associated with anaerobic digestion on farms.

Providing this clarity would support continued investment in existing biogas facilities, enable repowering and modernization of aging infrastructure, and reduce regulatory uncertainty for farmers and operators seeking to improve environmental performance.

Conclusion

The CBA appreciates the Ministry's efforts to modernize and streamline the REA framework through a more risk-based and proportionate approach. Clarifying the ancillary nature of on-farm biogas and recognizing the sufficiency of the Nutrient Management Act will help ensure that these amendments

achieve their intended objectives while supporting Ontario's agricultural, environmental, and clean energy goals.

The CBA welcomes continued engagement with the Ministry as these amendments are finalized and implemented.

Sincerely,



Jennifer Green
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Canadian Biogas Association / Association canadienne du biogaz