The Regional Municipality of Durham

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Ministry of the Environment, Conservation and Parks
Environmental Assessment Modernization Branch
135 St Clair Ave West, 4th Floor
Toronto, Ontario M4V 1P5

Attention: EA Modernization Project Team

RE: Regional Municipality of Durham Comments on Environmental Registry of Ontario (ERO) Number 026-0414: Streamlining Requirements for Waste Disposal Site Service Area and Fill Rate Changes

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The Regional Municipality of Durham (Region) appreciates the opportunity to comment on the Ministry of the Environment, Conservation and Parks' (Ministry) proposal to streamline requirements for waste disposal site service area and fill rate changes.

The Region is generally supportive of the proposed regulatory changes as they represent a constructive step toward reducing administrative burden while maintaining strong environmental protection through existing Environmental Compliance Approval (ECA) requirements. The Region also recognizes the intent to improve operational flexibility and enable more efficient use of existing waste management capacity across Ontario.

The Region owns and operates municipal waste management infrastructure, including transfer stations, and relies on private sector disposal and processing capacity. These facilities are regulated through ECAs that establish conditions related to service areas, processing rates, monitoring, and environmental controls.

While ECAs provide robust environmental protection, certain conditions, particularly those related to historically defined service areas and fixed processing rates, can limit operational flexibility even where facilities are operating within their approved design capacity and environmental performance standards.

The Region supports the intent to streamline requirements related to service area changes and recommends that additional consideration be given to an approach that allows broader, province-wide service areas for waste disposal and processing facilities, unless there is a site-specific reason to maintain a more limited service area. In all cases, environmental protections would continue to be addressed through existing ECA conditions.

From the Region's perspective, service area boundaries do not inherently change the design or environmental performance of a facility. Environmental risks are managed through site specific operating limits, monitoring, and compliance requirements established through the ECA process. Broader service areas could enhance system resilience and access to available capacity without introducing additional environmental risk. Broader service areas should not oblige municipalities to accept waste at municipally owned facilities; municipal councils would retain discretion over whether, and on what terms, their facilities receive waste through local policy and contracting decisions. Where broader service areas create local considerations (e.g., traffic, odour, hours of operation, or community compatibility), municipalities can address those matters through applicable municipal tools and collaboration with facility operators and the Ministry, while the Ministry continues to oversee environmental requirements through the ECA framework.

The Region proposes to align the proposal with red tape reduction objectives by considering other low risk operational adjustments at waste management facilities that could be managed within the existing ECA framework.

By way of example, municipally owned facilities such as the Durham York Energy Centre (DYEC) operate under ECAs that define approved processing rates and operational windows based on prior assessments. The facility is designed and operated with appropriate capacity margins and environmental controls. Modest adjustments to approved processing rates that remain within established design capacity, do not require physical expansion, and do not change monitoring or control requirements may be similarly low risk administrative updates that could be considered for a more streamlined approach within the existing ECA framework.

In the Region's experience, even incremental rate adjustments that do not alter infrastructure or environmental performance can require formal and onerous amendment processes. These changes are comparable to the service area and fill rate adjustments contemplated in this proposal and could potentially be addressed through a

more streamlined approach, while continuing to rely on ECA conditions to ensure environmental protection is maintained.

The Region encourages the Ministry to continue to recognize waste management facilities as critical enabling infrastructure. Adequate and flexible waste management capacity supports housing development and population growth and contributes to local economic activity. Streamlining low risk regulatory processes can support broader provincial objectives related to timely infrastructure delivery, help minimize costs to taxpayers, and reduce reliance on out of province disposal capacity where suitable Ontario capacity is available.

The Region supports the proposed regulatory changes and appreciates the Ministry's efforts to modernize requirements while maintaining strong environmental oversight. The Region encourages the Ministry to consider additional opportunities to reduce administrative burden for low risk operational changes, while continuing to rely on the ECA framework to protect the environment.

The Regional Municipality of Durham would welcome continued dialogue with the Ministry as these changes are finalized.

Sincerely,



Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner, Works

c. A. Evans, Director, Waste Management Services, Works Department, The Regional Municipality of Durham