MECP's surrender of important authorities over GE's PCB waste management area in Peterborough

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Date 2026-09-17 09:43

On June 21, 1995, the Ministry of Environment and Energy (Ministry) issued Director's Instructions to General Electric that accorded with GE's proposals for the interim in-situ management of PCB waste at the company's Monaghan Road Parking Lot.

The Director's Instructions included the following provisions:

* On annual basis, GE will conduct a "review of commercially available and financially feasible destruction or disposal methods for the PCB materials stored at the interim PCB waste management area." [provision 4]

* GE will summarize the results of its review of these methods in an Annual Report on its ground and surface water monitoring at the interim PCB waste management area to the Ministry. [provision 4]

* GE will provide details justifying the continuation of the use of the interim PCB waste management area in its Annual Report to the Ministry. [provision 6]

* Once a destruction method becomes commercially available for the destruction of all PCB material located at the interim PCB waste management area, GE will provide a timetable for this destruction to the Ministry within six months. [provision 6]

On March 6, 2024, the Ministry issued Director's Order 1-228916698 over your signature as District Manager. The Director's Order replaced the Director's Instructions of 1995 and assumed regulatory authority for (i) GE's management (Appendix A) and (ii) GE's sediment and groundwater monitoring of the PCB-impacted soils (Appendix B) at GE's Monaghan Road Parking Lot.

In replacing the Director's Instructions, the Director's Order eliminated – with no explanation - all provisions for GE's someday destroying or disposing of PCB waste at the Monaghan Road Parking Lot.

These developments raise several important questions:

1. On what basis did the Ministry drop all previous requirements that GE review and report on its review of destruction or disposal methods for PCB materials stored at the interim PCB waste management area in 2024?

2. Under the terms of the Director's Instructions of June 1995,
   * What methods had GE reviewed annually for destroying or disposing of the PCB waste at its Monaghan Road Parking Lot?
   * What results of these annual reviews had GE included in its annual reports on its ground and surface water monitoring program?
   * What justifications for continuing to maintain PCB waste at its Monaghan Road Parking Lot had GE included in its annual reports on its ground and surface water monitoring program?

3. In the Ministry's opinion,
   * What methods are currently available for destroying or disposing of the PCB waste at GE's Monaghan Road Parking Lot?
   * Are any of these methods "financially feasible" for GE – to borrow a term used in the Director's Instructions?
   * Will the Ministry reinstate the provisions of the Director's Instructions that pertain to GE's someday destroying or disposing of PCB waste at its Monaghan Road Parking Lot?

My colleagues and I are holding "Good Neighbours Deserve Answers: A Public Forum to Demand Transparent Planning for GE's Future in Peterborough" and your answers to these questions would provide important information for our audience - and, of course, you are welcomed to attend. Registration is free, but capacity is limited:

https://pretix.eu/ptbo-gemolition/tix/

Yours sincerely,

Paul Allen

cc Dave Smith (Peterborough MPP), Jacqueline Wilson (Canadian Environmental Law Association), Sue James, Natasha Luckhardt