

From: Michele Goulding <mgoulding@owma.org>
To: 'mayor@westgrey.com' <mayor@westgrey.com>
Sent: Fri, 12 Feb 2021 12:08:21 -0500 (EST)
Subject: Development Approval Requirements for Landfills (Bill 197) - Resolution Support Request

Dear Mayor Robinson,

The Ontario Waste Management Association (OWMA) is an organization representing private sector and municipal stakeholders in the waste management sector. An issue of great concern to both municipalities and private companies has been identified in changes in Bill 197 that will compromise municipal autonomy, constrict elected officials from making decisions in the best interest of the municipality and make it virtually impossible to address a looming waste disposal crisis in Ontario. The OWMA is leading an initiative to address it by seeking municipal support to ask the government to reconsider the changes.

The City of St. Catharines has passed a resolution outlining the concerns with Bill 197 and requesting the Province to amend the Act. A copy of this resolution (attached) has been forwarded to all Ontario municipalities with a request for support. To date, more than 40 upper, single and lower tier municipalities representing over 2,800,000 Ontario taxpayers are supporting the St. Catharines resolution and many more are scheduled to do so.

We are asking your municipality and municipal council to support this initiative by passing a motion in support of the St. Catharines resolution.

A draft resolution for consideration by Council and/or the Clerk is attached. If you require a delegation to council to address this matter, please contact me - we would be happy to delegate and explain the issue in greater detail.

Please forward a copy of your resolution so that OWMA can add your name to the list of municipal supporters and if you have already approved a motion in support of the St. Catharines resolution, we would appreciate being so advised.

Thank you in advance,

Yours truly,

[cid:image001.jpg@01D7008E.808AE020]

Mike Chopowick

CEO

Ontario Waste Management Association

Attachments (4)

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Director, Finance & Member Services
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October 7, 2020

Honourable Jeff Yurek
Minister of Environment, Conservation and Parks
College Park 5th Flr,
777 Bay St, Toronto, ON M7A 2J3

Sent via email: minister.mecp@ontario.ca

**Re: Development Approval Requirements for Landfills - (Bill 197)
Our File 35.2.2**

Honourable and Dear Sir,

At its meeting held on October 5, 2020, St. Catharines City Council approved the following motion:

WHEREAS Schedule 6 of Bill 197, COVID-19 Economic Recovery Act, 2020 considers amendments to the Environmental Assessment Act relating to municipal autonomy and the principle that municipalities can veto a development outside their municipal boundary in an adjacent municipality; and

WHEREAS Bill 197 empowers multiple municipalities to 'veto' development of a landfilling site within a 3.5 km zone inside the boundary of an adjacent municipality; and

WHEREAS Bill 197 establishes a dangerous precedent that could be expanded to other types of development; and

WHEREAS Bill 197 compromises municipal autonomy and the authority of municipal councils to make informed decisions in the best interest of their communities and municipal taxpayers; and

WHEREAS amendments in Schedule 6 could cause conflict in the effective management of landfill sites, put significant pressure on existing landfill capacity, and threaten the economic activity associated with these sites;

THEREFORE BE IT RESOLVED That the City of St. Catharines calls upon the Government of Ontario (Ministry of the Environment, Conservation and Parks (MOECP) to amend Bill 197, COVID-19 Economic Recovery Act, 2020, to eliminate the development approval requirement provisions from adjacent municipalities and that the 'host' municipality be empowered to render final approval for landfills within their jurisdiction; and

BE IT FURTHER RESOLVED that a copy of this motion be forwarded to Premier Doug Ford, Jeff Yurek the Minister of Environment, Conservation and Parks, Steve Clark the Minister of Municipal Affairs and Housing, local MPP's., the Association of Ontario Municipalities (AMO) and Ontario's Big City Mayors (formerly Large Urban Mayors Caucus of Ontario-LUMCO)

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all Ontario municipalities with a request for supporting motions to be passed by respective Councils and copies of the supporting motion be forwarded to Premier Doug Ford, Jeff Yurek the Minister of Environment, Conservation and Parks, Steve Clark the Minister of Municipal Affairs and Housing, the local MPP's, the Association of Ontario Municipalities (AMO).

If you have any questions, please contact the Office of the City Clerk at extension 1506.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:ra

Cc. Hon. Premier Doug Ford premier@ontario.ca
Hon. Steve Clark, Minister of Municipal Affairs, Housing minister.mah@ontario.ca
Jennifer Stevens, MPP - St. Catharines, JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Association of Municipalities of Ontario amo@amo.on.ca
Chair of Ontario's Big City Mayors, Cam Guthrie mayor@guelph.ca
All Ontario Municipalities (via email)

Bill 197 – City of St. Catharines Resolution

The following draft council motion and correspondence additions are provided as suggestions to support the efforts of Council and to assist municipal Clerks.

SUGGESTED DRAFT COUNCIL MOTION

On (date), (municipality) Council met for their Regular Council Meeting at which they considered a letter and resolution from the City of St. Catherine's regarding the Ontario Bill 197 (attached hereto).

As a result, the Council of (municipality) resolved the following:

Moved By:

Seconded by:

That (municipality) Council support the resolution from the City of St. Catharine's, requesting an amendment to Schedule 6 of Bill 197 (Environmental Assessment Act), eliminating the adjacent municipality overreach powers and

That Administration be directed to send correspondence in support of the City of St. Catharines request to amend Bill 197, COVID-19 Economic Recovery Act, 2020 to all parties referenced in the City of St. Catharines resolution.

Carried

SUGGESTED CORRESPONDENCE ADDITIONS

The (municipality) agrees with the need to request the Provincial Government to amend Schedule 6 of Bill 197 (Environmental Assessment Act), which impacts municipal autonomy and waste management infrastructure (landfills).

Further, the (municipality) supports the need to eliminate the development approval requirement provisions from adjacent municipalities and that the 'host' municipality be empowered to render approval for landfills within their jurisdiction.

REQUEST TO SUPPORT CITY OF ST. CATHARINES RESOLUTION

OWMA is a not-for profit organization representing both private sector companies and municipal stakeholders in the Ontario waste management sector

A Request

- Support of the City of St. Catharines' request to: (1) endorse their position on Bill 197; and (2) pass a supporting motion.

Background to Bill 197

- Bill 197, the COVID-19 Economic Recovery Act, 2020 deals with COVID-19 issues, but obscured in a Schedule to the Act is a significant change to the Environmental Assessment Act impacting municipalities.

Municipal Autonomy Compromised

- The Environmental Assessment Act change, while dealing with landfill development, undermines municipal autonomy and establishes the principle that municipalities can 'veto' a development outside, and adjacent to, their own municipal boundaries.
- Bill 197 would empower multiple municipalities to 'veto' development – currently a landfill development - within a 3.5 km zone **inside** the boundary of an adjacent municipality - **even if the host municipality supports the development**.
- This veto empowerment to adjacent municipalities is **overreach**.

Overreach Consequences

- The potential consequences are real and substantial.
- The overreach is a dangerous precedent – the 'thin edge of the wedge'.
- It is landfill development today, but if the principle remains unchallenged, what next? Consider the implications for: other waste management infrastructure like organics processing, composting and recycling facilities; agricultural developments and activities; transit infrastructure; waste water treatment facilities; etc.
- The overreach compromises the autonomy and the authority of elected officials to make decisions in the best interest of their communities and taxpayers.
- It will cause political entanglements between local municipal neighbours.

Bill 197 Does Contain Supportable Change

- Bill 197 does change the landscape around landfill developments and environmental assessment.
- In the past, while local municipalities were intimately involved in the process, the province made the final decision on development.
- Bill 197 now establishes that the province cannot issue a positive development decision without the approval/support of the 'host' municipality.
- While this will make it more challenging to get new landfill developments approved and potentially exacerbates our current landfill capacity crisis, it is a reasonable and supportable change.

The Solution

- The City of St. Catharines' resolution accurately reflects the issues and concerns around the 'adjacent municipality' overreach.
- The answer is a simple amendment to Schedule 6 in Bill 197, removing the reference to adjacent municipalities while maintaining the ultimate right of host municipalities to have the final say.

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Financial Post

Ontario's garbage crisis is urgent.

Opinion: Every bag of garbage we throw out brings us one step closer to running out of landfill space

Author of the article:

Mike Chopowick, Special to Financial Post

Publishing date:

Jul 30, 2020 • July 30, 2020 • 3 minute read

Ontario's garbage crisis has just become more dire. With new legislation making it all but impossible to build new landfills, it is more likely the province will run out of waste disposal capacity by 2032.

Ontarians are now sending almost 12 million tonnes of waste to landfills every year. That's 70 per cent of the material we throw out despite efforts to improve waste diversion with blue boxes and green bins. In 2018, Ontario residents sent 750,000 more tonnes of waste per year to landfills than in 2008.

About one-third of that garbage is trucked to landfills in the United States — a flow that continues through the pandemic, even with the border closed to private travel. But this waste disposal option is increasingly precarious politically, especially now that Ontario has shown itself to be unwilling to build its own new landfills.

Because it takes at least 10 years to plan and construct a new landfill, our only domestic disposal option is the less than 120 million tonnes of landfill capacity left in Ontario — unless we build more.

Part of the problem is that Ontarians are misled by some popular fallacies. One is that we can recycle our way out of this problem. More recycling, composting and waste diversion are core objectives of Ontario's waste management strategy. But those efforts merely dent the vast amounts of material we send to landfill disposal. In fact, over the past decade, recycling levels have basically flatlined in Ontario. Even 30 per cent of what we toss into our blue boxes ends up in landfills.

There is growing interest in energy and resource recovery from waste, yet energy-from-waste facilities in Ontario have a very limited capacity. And building new energy-from-waste facilities is fraught with the same political difficulties as constructing a new landfill.

Bill 197, introduced earlier this month, creates a further barrier to waste disposal investment by requiring local municipalities to approve new landfills — in addition to the provincial government's stamp of approval.

Wanting local approval for new landfills is understandable. And very few landfills are ever built without local community support. But Bill 197 creates a new, unprecedented layer of red tape: requiring the explicit approval of neighbouring towns and cities, not just the municipality where the landfill is to be located.

This means that Markham can halt a project in Pickering, and Toronto can veto a project in Vaughan or Mississauga — and vice versa. In the new world of Bill 197, municipal governments will cede control over what's built in their communities to neighbouring local councils. "Not in my backyard" becomes "not in my neighbour's backyard, either."

Ontario needs to face up to its garbage crisis. Every bag of garbage we throw out brings us one step closer to running out of landfill space. Recycling, composting and energy recovery are important solutions, yet leave us with millions of tonnes of garbage every year.

The environmentally safe, cost-effective and reliable disposal option for this growing amount of garbage is made-in-Ontario landfills. Our landfill capacity deadline of 2032 will arrive even sooner — by 2028, just eight years away — should the U.S. government decide to close the border to Ontario's garbage.

Ontario's waste sector is more than ready to work with local communities, residents and the provincial government to mitigate issues related to odour, environmental impact and traffic that are often associated with landfills. Active landfills usually aren't pretty but they are vital to managing the garbage we all throw out. Landfills ensure waste is managed responsibly, not illegally dumped or tossed into our public spaces and natural environment.

Landfills really are critical infrastructure, necessary for the economic and environmental well-being of our province. Changes to the environmental assessment process should remove barriers to landfill projects, not create new ones. Ontario needs more landfills before it's too late.