

Request for Delegation

FOR OFFICE USE ONLY

MEETING DATE YYYY/MM/DD 2021/04/22	MEETING NAME REGIONAL COUNCIL
--	---

Attention: Regional Clerk
Regional Municipality of Peel
10 Peel Centre Drive, Suite A
Brampton, ON L6T 4B9
Phone: 905-791-7800 ext. 4582
E-mail: council@peelregion.ca

DATE SUBMITTED YYYY/MM/DD 2021/03/08
--

NAME OF INDIVIDUAL(S) Robert (Rob) Cook

POSITION(S)/TITLE(S) Consultant, on behalf of OWMA
--

NAME OF ORGANIZATION(S) Ontario Waste Management Association (OWMA)

E-MAIL robertcookconsulting@gmail.com	TELEPHONE NUMBER [REDACTED]	EXTENSION [REDACTED]
---	---------------------------------------	--------------------------------

REASON(S) FOR DELEGATION REQUEST (SUBJECT MATTER TO BE DISCUSSED) To request that Council support a resolution request from the City of St. Catharines in respect to Ontario Bill 197 which recently included changes impacting municipal autonomy over development within its jurisdiction and waste management infrastructure (landfills).
--

A formal presentation will accompany my delegation <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Presentation format: <input type="checkbox"/> PowerPoint File (.ppt) <input type="checkbox"/> Adobe File or Equivalent (.pdf) <input type="checkbox"/> Picture File (.jpg) <input type="checkbox"/> Video File (.avi,.mpg) <input type="checkbox"/> Other <input type="text"/>
Additional printed information/materials will be distributed with my delegation : <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Attached

<p>Note: Delegates are requested to provide an electronic copy of all background material / presentations to the Clerk's Division at least ten (10) business days prior to the meeting date so that it can be included with the agenda package. In accordance with Procedure By-law 56-2019, as amended, delegates appearing before <u>Regional Council</u> or <u>Committee</u> are requested to limit their remarks to 5 minutes and 10 minutes respectively (approximately 5/10 slides).</p> <p>Delegates should make every effort to ensure their presentation material is prepared in an accessible format.</p> <p>Once the above information is received in the Clerk's Division, you will be contacted by Legislative Services staff to confirm your placement on the appropriate agenda.</p>
--

<p align="center">Notice with Respect to the Collection of Personal Information (Municipal Freedom of Information and Protection of Privacy Act)</p> <p>Personal information contained on this form is authorized under Section 5.4 of the Region of Peel Procedure By-law 56-2019, as amended, for the purpose of contacting individuals and/or organizations requesting an opportunity to appear as a delegation before Regional Council or a Committee of Council. The Delegation Request Form will be published in its entirety with the public agenda. The Procedure By-law is a requirement of Section 238(2) of the <i>Municipal Act, 2001</i>, as amended. Please note that all meetings are open to the public except where permitted to be closed to the public under legislated authority. All Regional Council meetings are audio broadcast via the internet and will be posted and available for viewing subsequent to those meetings. Questions about collection may be directed to the Manager of Legislative Services, 10 Peel Centre Drive, Suite A, 5th floor, Brampton, ON L6T 4B9, (905) 791-7800 ext. 4462.</p>

Please save the form to your personal device, then complete and submit via email attachment to council@peelregion.ca

OWMA (Robert Cook) Delegation Request to Peel Council

The reason for seeking a delegation opportunity is to request that Council support a resolution request from the City of St. Catharines in respect to Ontario Bill 197 which recently included changes impacting municipal autonomy over development within its jurisdiction and waste management infrastructure (landfills). Bill 197 will adversely impact municipal waste management projects in the Region and the ability to secure waste disposal capacity from third parties (private or municipal) in the future. The infringement on municipal autonomy is a concern for all municipalities and represents an unprecedented shift in the relationships between neighbouring municipalities. It currently impacts landfills but will expand to other types of development. Many municipalities see this as a serious problem and are supporting the St. Catharines position. The Ontario Waste management Association is advocating with the province for change on behalf of 65 municipalities representing 2,400,000 taxpayers. Sixteen municipalities supporting the St. Catharines resolution have reversed their position on the Demand The Right resolution. We are asking the Region to lend its support to this effort.

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.

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)

BRIEFING NOTE BILL 197

CURRENT SITUATION

On July 21st, Bill 197, *COVID-19 Economic Recovery Act*, 2020 received Royal Assent. Schedule 6 to Bill 197 adds a new section (6.01) to the Environmental Assessment Act (EAA). Section 6.01 requires all landfill proponents to obtain municipal support for the establishment of a landfill. The requirement to obtain “municipal support” applies not only to each local municipality in which the landfilling site will be situated but also to adjacent municipalities, where an adjacent municipality has allowed residential land use within 3.5 km of the proposed landfilling site.

Evidence of the required “municipal support” is defined within s. 6.01(5) as a copy of a municipal council resolution from each of the applicable municipalities that indicates the municipality supports the undertaking to establish the landfilling site.

IMPACTS OF BILL 197

- Upper tier municipalities (who have been given jurisdiction over waste management by the *Municipal Act* or other provincial legislation) which are in support of the establishment of a landfilling site, are still required to be obtained municipal support from any other municipality that is within 3.5 km of the proposed landfilling site.
- These amendments allow lower tier municipalities to determine whether a landfilling site can be established in an adjacent upper tier municipality, even if the host municipality is in support of the landfilling site.
- Bill 197 does not address a situation where, as a result of an election, or as a result of a change of mind by Council, a local municipality which had previously passed a resolution in support of the establishment of a landfilling site, subsequently passes a resolution withdrawing that support. This further heightens the risk to a proponent seeking to establish a landfilling site.

Municipal Autonomy

- Bill 197 removes local decision-making powers from municipalities and puts it the hands of their neighbours. Whom often have different waste disposal challenges and responsibilities.
- Bill 197 sets a dangerous precedent by now giving neighbouring municipalities (regardless of population size) decision-making powers over what kinds of commercial enterprises can operate in other communities. This means that Markham can halt a project in Pickering, and Toronto can veto a project in Vaughan or Mississauga — and vice versa.
- Upper tier municipalities, who are responsible for their own waste management under *The Municipal Act* will have to rely more heavily on shipping waste by truck to landfills in Michigan and other U.S. states.

Precedent

Municipal support is required after notice is given by a proponent and must be provided prior to submission of the environmental assessment to the Ministry.

- If consideration is given to the time and cost associated with conducting an environmental assessment for a proposed landfilling site, it is unlikely that a proponent would commence an environmental assessment, or even give notice of proposed terms of reference without first having the required resolutions of all applicable local municipalities.
- At the same time it is also reasonable to expect that the affected municipalities may be unwilling to pass such resolutions without first having all of the relevant information which would otherwise be generated during the completion of the environmental assessment.
- With these considerations in mind, the real question is whether any proponent would proceed with an environmental assessment for the establishment of a landfilling site.
- Bill 197 However puts politics ahead of science, public safety, and the economy. It claims to give municipalities more power, but it in fact will do the opposite. This hurts both private and public landfill proponents, the legislation also makes it virtually impossible for municipalities to manage their waste in the future.

Recommendations

- Ask for an amendment to Bill 197 to limit enhanced say to host municipalities.
- Contact your local MPP to make them aware of your position
- Contact Association of Municipalities of Ontario *[and the Rural Ontario Municipalities Association]*
- Contact Minister of Municipal Affairs, and Minister of Environment, Conservations, and Parks and make them aware of the impact this legislation will have on your municipality.
- Raise this issue at Council, and with your counterparts in other municipalities.

Background

- *Landfills are an economically vital and safe disposal option for the 8 million tonnes of waste materials a year in Ontario that are not reused or recycled.*
- *Ontario's available landfill capacity is expected to be exhausted in 12 years, by the year 2032.*
- *It takes five to ten years for a new landfill to be approved under Ontario's rigorous Environment Assessment (EA) process.*
- *About 70% of the materials discarded by Ontarians are sent to landfill disposal.*
- *Over 80% of remaining waste disposal capacity is represented in just fifteen landfill sites (both private and public).*



Council Deputation

Amendments to the Environmental Assessment Act

Who is OWMA?

OWMA is a not-for profit organization representing stakeholders in the Ontario waste management sector – 64 private sector companies and 65 municipalities (upper & lower tier).

Why are We here?

- OWMA is delegating in support of municipalities (over 65 and 2.4 million taxpayers) and the City of St. Catharines request for Council to endorse their position on Bill 197 and pass a supporting motion.
- Make available to council our experience and knowledge about this issue if there are any questions.

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. The Act has received Royal Assent.

Why We Need Your Support?

There are several important reasons:

- **Municipalities passing resolutions are requesting a show of solidarity by municipal councils on this issue.**
- **The new provisions in the Bill create a dangerous precedent undermining municipal autonomy and will dramatically impact landfill approvals for (lower & upper tier) municipalities.**
- **OWMA needs your support to backstop advocacy efforts at Queens Park on behalf of municipalities.**
- **Local companies with investments and jobs in your municipality could be negatively impacted by Bill 197.**

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 their municipal boundary in an adjacent municipality.
- Bill 197 would empower multiple municipalities to 'veto' development of a landfill development within a 3.5 kilometer 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? Other waste management infrastructure like organics processing, composting recycling facilities? Agricultural development, Transit infrastructure? Waste water treatment facilities? Etc.
- The overreach does compromise the autonomy and the authority of elected officials to make decisions in the best interest of their communities and taxpayers.
- Political entanglements between local municipal neighbours.
- Beware of the precedent for other levels of government

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 (14 years remaining), it is a reasonable and supportable change.
- Negative consequences for municipalities that rely on third parties for disposal.

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 that removes the reference to adjacent municipalities while maintaining the ultimate right of host municipalities to have the final say.