

Excerpt of Schedule 6 Section 10 from Bill 197

Subsection 6.0.1 - Landfilling site, municipal support required

Definitions

6.0.1 (1) In this section,

“area of settlement” has the same meaning as in subsection 1 (1) of the *Planning Act*, (“zone de peuplement”)

“landfilling site” means a waste disposal site where landfilling occurs; (“lieu d’enfouissement”)

“parcel of land” has the same meaning as in subsection 46 (1) of the *Planning Act*, (“parcelle de terrain”)

“waste disposal site” has the same meaning as in Part V of the *Environmental Protection Act*. (“lieu d’élimination des déchets”)

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with an undertaking to establish a waste disposal site that,

- (a) is a landfilling site; and
- (b) is subject to this Part.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the undertaking from each local municipality,

- (a) in which the landfilling site would be situated; and
- (b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 6 (3.1), a parcel of land,

Appendix I

Update on Bill 197- COVID-19 Economic Recovery Act, 2020

(i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,

(ii) that is within an area of settlement, and

(iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

(a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the undertaking to establish a waste disposal site that is a landfilling site;

(b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and

(c) a description of the process used to identify the local municipalities whose support for the undertaking is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) Subject to subsection (9), the information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 6.2 (1).

Transition, terms of reference already submitted or approved

(8) For greater certainty, if a proponent mentioned in subsection (3) has given the Ministry proposed terms of reference under subsection 6 (1) or has received approval for a terms of reference under subsection 6 (4) before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, this section applies.

Transition, environmental assessment already submitted

(9) If a proponent mentioned in subsection (3) has, before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, already submitted an environmental assessment in respect of the undertaking and no decision has been made in respect of the application under section 9 or 9.1, the following rules apply:

Appendix I

Update on Bill 197- COVID-19 Economic Recovery Act, 2020

1. Subsection (4) applies to the proponent and the information required under subsection (5) shall be submitted separately from the environmental assessment.

2. If the Ministry has not completed its review of the environmental assessment under section 7 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,

i. the Director shall not provide notice of completion under section 7.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and

ii. the deadline referred to in subsection 7 (2) does not apply to the review of the environmental assessment.

3. If the Ministry has provided a notice of completion of the review under section 7.1 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,

i. no decision shall be made under section 9 or 9.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and

ii. the deadlines referred to in subsections 10 (1) and (2) do not apply to the application.

Confirmation

(10) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the undertaking,

(a) the environmental assessment is deemed not to have been received by the Ministry under subsection 6.2 (1); and

(b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 6.3 (1).

Exceptions

(11) This section does not apply,

(a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or

(b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.