

For Information

REPORT TITLE: **Update on Bill 197- COVID-19 Economic Recovery Act, 2020**

FROM: Kealy Dedman, Commissioner of Public Works

OBJECTIVE

To report back to the Waste Management Strategic Advisory Committee in response to the delegation of Mr. Robert Cook, Consultant, on behalf of the Ontario Waste Management Association on April 22, 2021 regarding Bill 197.

REPORT HIGHLIGHTS

- In 2018, Regional Council received a delegation requesting support for the "Demand the Right" Campaign, giving municipalities the right to say yes or no to proposed landfills planned in or adjacent to their boundaries. Regional Council approved a motion requesting the Government of Ontario to formally grant municipalities the authority to approve landfill projects in or adjacent to their communities (Resolution 2018-456).
 - On July 21, 2020, the *COVID-19 Economic Recovery Act, 2020* (Bill 197) received Royal Assent, amending several statutes including the *Environmental Assessment Act*. The changes to the *Environmental Assessment Act* include the requirement for proponents of new landfills to obtain the support of the host municipality and any adjacent municipality that has a designated settlement area within 3.5 kilometers of the proposed landfill site.
 - On April 22, 2021, Mr. Robert Cook, Consultant, on behalf of the Ontario Waste Management Association (OWMA), delegated to Regional Council raising concerns with Bill 197, including the requirement to obtain municipal approval for proposed landfill sites outside its boundaries. Mr. Cook asked that the Region consider withdrawing its earlier support for such provisions. (Resolution 2021-445).
 - Staff reviewed Mr. Cook's concerns and does not recommend any changes at this time.
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DISCUSSION

1. Background

In 2018, Mayor Comiskey from the Town of Ingersoll delegated to Regional Council requesting support for the "Demand the Right" Campaign, giving municipalities the right to say yes or no to proposed landfills planned in or adjacent to their boundaries. In response to the delegation, Regional Council approved a motion requesting the Government of Ontario to formally grant municipalities the authority to approve landfill projects in or adjacent to their communities (Resolution 2018-456).

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

On July 21, 2020, the *COVID-19 Economic Recovery Act, 2020* (Bill 197) received Royal Assent. Bill 197 amends several statutes, including the *Environmental Assessment Act*.

The changes to the *Environmental Assessment Act* include the requirement for proponents of new landfills to obtain municipal support for the project from each local municipality and any adjacent municipality where there is a parcel of land with authorized residential uses within an area of settlement and is located within 3.5 kilometers of the proposed new landfill site property boundary (or such distance as may be otherwise prescribed). See Appendix I for an excerpt of the new requirements.

On April 22, 2021 Mr. Robert Cook, on behalf of the Ontario Waste Management Association (OWMA), delegated to Regional Council requesting that Regional Council support the City of St. Catherines resolution regarding Schedule 6, Bill 197, *COVID-19 Economic Recovery Act, 2020*, to eliminate the development approval requirement provisions from adjacent municipalities and to render final approval for landfills within a host municipality's jurisdiction. He noted that Bill 197 deals with COVID-19 issues but also includes a Schedule that provides a significant change to the *Environmental Assessment Act* which will impact municipal autonomy over development within its jurisdiction and waste management infrastructure (landfills). The infringement on municipal autonomy is a concern for all municipalities and represents a shift in the relationship between adjacent municipalities (Resolution 2021-445).

2. Discussion

Existing Landfill Capacity and Development in Ontario

The OWMA states that current landfill capacity in Ontario is expected to last till 2032. On average, the development of a landfill in Ontario takes between five to ten years. The environmental assessment for new landfill sites is a robust multi-step process involving diverse stakeholders with final approval by the Province. However, following provincial approval for a new landfill site, a local or neighbouring municipality cannot impede the development of the landfill. Bill 197 allows an adjacent local municipality to veto the project, which means that the Minister will not receive the environmental assessment to be considered.

Considerations for the Region of Peel

Siting a New Landfill in Peel

The Region does not have any active landfills and currently disposes of its garbage at a privately owned landfill in southwestern Ontario under a 25-year contract that ends in 2042.

It is unlikely that the Region would site a new landfill in Peel. If a new landfill site was to be proposed in Peel, the Regional Official Plan (ROP) would need to be amended in order to permit the use. Specifically, Section 6.5 of the ROP states "the establishment and operation of any new landfill site at another location will require amendment to this Plan".

Under the *Planning Act*, municipalities have authority to permit and regulate land uses utilizing the provisions under the legislation including official plan policy and zoning and specify the conditions under which uses may be permitted, restricted and regulated including landfill sites as one type of waste management facility.

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Siting a New Landfill in a Neighbouring Municipality

If a new landfill was proposed in an adjacent municipality to the Region, the environmental assessment process offers ample opportunities for municipalities to provide input including objections prior to its development. It is a robust multi-step process that includes mandatory review and stipulated comment periods and consultation with stakeholders, including local municipalities, Indigenous communities, Conservation Authorities, community advocacy groups and members of the public.

Source Water Protection

The handling and storage of waste is a prescribed drinking water threat under the *Clean Water Act, 2006*. There are policies within the local source protection plan that prohibit future waste disposal sites such as landfills within the most vulnerable protection areas delineated around municipal supply wells. Since source water protection planning is carried out on a watershed-basis across municipal boundaries, there are no implications from Bill 197.

Water Resources Management

Water resources (ground and surface water) are governed by the *Water Resources Act, 1990* and the *Clean Water Act, 2006*. This legislative framework provides the Region with tools to protect important environmental features, such as the Highly Vulnerable Aquifers (HVA) and the Significant Groundwater Recharge Areas (SGRAs).

Any application within the 3.5 kilometers from the Region's boundary will have to be presented to the impacted local municipalities and the Region will be a stakeholder during the consultation process before any application is approved by the Ministry of the Environment, Conservation and Parks (MECP).

Further, the Region has other projects, such as the Private Well Protection program and the Well Interference Protocol, where we work together with the MECP, Ministry of Northern Development, Mines, Natural Resources and Forestry, the Town of Caledon and Conservation Authorities, to properly address any potential impact to the sources of water for Peel's residents.

Overall, the Region may be affected by the amendments to the *Environmental Assessment Act* if there is an adjacent municipality proposing a new landfill within 3.5 kilometers of the Region's boundaries. In which case, the provisions of Bill 197 give the Region increased power to object and have the result be that the proposed new landfill project will not move forward.

FINANCIAL IMPLICATIONS

There are no immediate incremental financial implications resulting from this report.

CONCLUSION

Since the Region is not seeking to site a new landfill in the future within the Region, and since the provisions outlined in Bill 197 for siting a new landfill provide the Region additional tools to protect its drinking water, changes to Bill 197 are not recommended at this time.

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APPENDICES

Appendix I – Excerpt of Schedule 6 Section 10 from Bill 197

Authored by: Cynthia Lucar Diaz, Advisor, Policy Waste Reduction, Waste Management