



**BUSINESS PERFORMANCE
AND ENVIRONMENTAL
SUSTAINABILITY DEPARTMENT
MEMORANDUM**

TO: CITY BUILDING COMMITTEE

FROM: S. BRUNET, B.SC.
MANAGER OF BUSINESS PERFORMANCE & ENVIRONMENTAL
SUSTAINABILITY

NOTED: A. MILLER, RPP
GENERAL MANAGER OF INFRASTRUCTURE & GROWTH MANAGEMENT

M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: BILL 197 - PROPOSED CHANGES TO APPROVAL REQUIREMENTS FOR NEW
LANDFILL SITES

DATE: FEBRUARY 2, 2021

The purpose of this memorandum is to provide members of City Building Committee with information regarding the proposed changes to the Environmental Assessment Act (EAA) that offers a municipal veto power to landfill development approval requirements (Motion 20-G-230).

On December 14th, 2020, a representative from the Ontario Waste Management Association (OWMA) presented to Committee the City of St. Catherine's Resolution regarding Bill 197 with the intent to seek support of this resolution through Council Motion. This Resolution does not support specific proposed changes to the EAA affecting the landfill development approval process as they represent overreaching consequences.

BACKGROUND

On July 8th, 2020, the provincial government introduced Bill 197, the COVID-19 Economic Recovery Act, which proposes changes to several Acts including the EAA.

The purpose of the EAA is to predict and prevent potential environmental impacts from projects (subject to the Act) through a science-based approach to decision-making.

The proposed changes to the EAA represent the provincial government's intent to 'modernize' the Environmental Assessment (EA) Program and aligns with the November 2018 Made-in-Ontario Environment Plan. This Plan does suggest providing municipalities with a voice in landfill siting approvals.

The proposed changes to the EAA allow for the following provisions ¹:

1. Establish a Project List to identify projects subject to the EA requirements.
2. Focus the formal objections process to issues relating to Aboriginal and treaty rights and set timelines for when the Minister can intervene on his/her own initiative to impose conditions on or bump-up a streamlined project.
3. Enable new streamlined regulations with consistent and standardized processes to replace Class EAs.

¹ see <https://ero.ontario.ca/notice/019-2051>



BUSINESS PERFORMANCE AND ENVIRONMENTAL SUSTAINABILITY DEPARTMENT MEMORANDUM

4. Amend the EAA to clarify the authority to create standardized workplans through regulation for selected sectors.
5. Improve timelines to ensure projects are completed in a reasonable timeframe.
6. Provide expiry dates for all individual (comprehensive) EAs that do not currently have an expiry date and that are not listed by regulation.
7. Reduce duplication by amending the harmonization provision of the EAA to align with the federal Impact Assessment Act.
8. Transition the EA Program to an online digital platform.
- 9. Establish the requirement for municipal support for landfills as part of the EA process.**
10. Establish a non-derogation provision (clarifies the EAA is not intended to affect constitutionally protected aboriginal and treaty right rights).

Of importance to the City and relevant to the resolution presented to Council is the provision to establish the requirement for municipal support for landfills as part of the EA process. This provision would give municipalities the right to veto new landfills proposed to be located:

1. Within their own boundaries; and/or
2. In adjacent municipalities where there is land with authorized residential users within 3.5 km of the proposed new landfill site property boundary.

Effectively, with these changes, municipalities could stop new landfill development for any reason, even where an environmental assessment would otherwise be satisfactory to the provincial government.

According to OWMA Reports, Ontario's landfill capacity will be exhausted by 2032 (with ability to ship waste to American landfills) and 2028 without shipping ability. These capacity forecasts take into account existing diversion rates and were determined pre-COVID-19.

The City of Barrie, through landfill re-engineering and diversion rates, is an anomaly to these forecasted dates as our landfill capacity extends to 2035. This date is based on the 2019 Landfill Liability Report and therefore does not consider the impacts of COVID-19 in 2020.

Given that it sometimes takes more than a decade to obtain approval for a new landfill site and that the City of Barrie landfill capacity has been forecasted to cease in 2035, this is significant as a potential delay and/or veto may create a situation where no landfill option is available.

ANALYSIS

The current interpretation of the process will have proponents requesting municipal approval prior to undertaking EA studies effectively moving the current science-based approach to landfill development approvals to a politically driven one.

Although this approach would favour more collaboration between neighbouring municipalities, a regional approach to waste management may come with the loss of control over the City's future waste management options. Solid waste for the 4 neighbouring municipalities is managed by the County of Simcoe and veto power would sit with municipalities like Springwater Township.

Despite the intent to streamline the EA process, the requirement for a municipal Council Resolution indicating support or veto may introduce delays to and/or prevent new landfill development. The consequences may impact the ability to secure local landfill provisions in a timely fashion, or at all.



BUSINESS PERFORMANCE AND ENVIRONMENTAL SUSTAINABILITY DEPARTMENT MEMORANDUM

With a delay potential or veto to new landfill sites, there is the potential to become dependent on shipping wastes as an option. This movement away from managing our own wastes is contrary to environmental sustainability initiatives like 'Zero Emissions'.

In addition to public landfill sites, the proposed changes would be applicable to private landfill development. This presents an opportunity in that Council could further influence waste management and environmental sustainability within the City's borders.

The City's current Waste Management Strategy is being reconsidered under a Circular Economy umbrella. Part of the work will involve an analysis of potential waste disposal options post 2035.

With the uncertainty that a proposed veto power presents, comes an impetus for preserving landfill capacity through a waste reduction agenda and to forward more environmentally sustainable forms of waste disposal technologies.

Although it is not clear at this time whether this would apply to the expansion of existing landfills, precedent is being set with the concept of veto. Should the case be that these proposed changes do apply to landfill expansion projects, any expansion possibilities at the Barrie Landfill Site would be subject to the surrounding Municipality's council approval.

Lastly, with respect to the municipal veto power proposal, this sets precedent that could potentially see similar requirements for other infrastructure projects and simple changes to the existing Landfill Site ECA potentially affecting landfill operations.

Next Steps

This review of the potential impacts and outcomes of the proposed changes to the Environmental Assessment Act as they relate to Landfill approvals supports the City of St. Catherine's Resolution.