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# HALDIMAND COUNTY

## Report ENV-03-2021 Bill 197 – Proposed Landfill Development Approval Requirements for Neighbouring Municipalities

For Consideration by Council in Committee on March 30, 2021

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### OBJECTIVE:

To provide information regarding the proposed changes to the Environmental Assessment Act (EAA) contained in Schedule 6 of Bill 197, COVID-19 Economic Recovery Act, 2020 and to seek support of the City of St. Catharines' resolution regarding Bill 197.

### RECOMMENDATIONS:

1. THAT Report ENV-03-2021 Bill 197 – Proposed Landfill Development Approval Requirements for Neighbouring Municipalities be received;
2. AND THAT the position of the City of St. Catharines related to Bill 197 be endorsed and a supporting motion be sent to the Ontario Ministry of the Environment, Conservation and Parks (MECP).

**Prepared by:** Brandon Hedges, Manager, Environmental Operations

**Respectfully submitted:** Philip Mete, P. Eng., General Manager of Public Works Operations

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Bill 197 would enable neighbouring municipalities within a 3.5 km radius of a proposed landfill site to “veto” a landfill development outside their municipal boundary. This principal undermines municipal autonomy and the authority of municipal councils to make informed decisions in the best interest of their communities and taxpayers. The City of St. Catharines resolution (Attachment 1) accurately reflects the issues and concerns of giving neighbouring municipalities final approval of landfill developments outside their boundaries. The solution of an amendment to Schedule 6 in Bill 197 which removes the reference to adjacent municipalities, while maintaining the right of host municipalities to have the final approval for landfill developments, is a supportable change. Any technical issues with the proposed landfill development would be dealt through the normal processes established as part of the Environmental Assessment Act (EAA), irrespective of municipal boundaries.

### BACKGROUND:

Bill 197 deals with COVID-19 issues but obscured in Schedule 6 of the Act is a significant change to the EAA impacting municipalities. Schedule 6 adds a new section to the EAA that requires all landfill proponents to obtain municipal support for the establishment of a landfill. This requirement to obtain municipal support applies not only to the municipality in which the landfill would be located, but also to adjacent municipalities which have allowed residential land use within 3.5 kilometers of the proposed landfill site. No rationale for the 3.5 kilometer distance has been provided, however, it is expected that it relates to potential mitigation of off-site impacts in terms of noise, odour, debris scatter and groundwater contamination from landfill activity. As a result of this change, even if the host municipality

supports the landfill proposal and the foregoing issues are addressed through legislative approvals, neighbouring municipalities will have the right to “veto” landfill developments.

On October 5, 2020, St. Catharines City Council approved a motion requesting the Government of Ontario amend Bill 197, COVID-19 Economic Recovery Act, 2020, by eliminating the approval requirement provision from adjacent municipalities, allowing the local municipality to render final approval for landfills within their jurisdiction.

At the March 2, 2021 CIC meeting, Rob Cook from the Ontario Waste Management Association (OWMA) requested Haldimand County Council pass a motion in support of the City of St. Catharines resolution and that motion be sent to the MECP (Attachment 2). To date, sixty-five (65) municipalities in Ontario have already passed similar resolutions in support of the St. Catharines resolution and proposed amendment to Schedule 6.

## **ANALYSIS:**

By allowing neighbouring municipalities to “veto” developments, Bill 197 establishes a dangerous precedent which has already been expanded to other types of developments, such as organics processing and recycling projects and could be expanded to other waste management infrastructure or wastewater treatment facilities. It also has the potential to cause political discord between local municipal neighbours. While the legislation currently would have no adverse impact to the County given the location of its current operating waste management facilities, any future facilities could be impacted. As such staff believe that the current legislation in Bill 197 is inappropriate and that adequate controls exist in the environmental approval legislation to account for any concerns that may be raised should a future waste management facility be proposed.

Bill 197 does provide for supportable change in that it will change the landscape surrounding landfill developments and environmental assessments. Previously, while local municipalities would have involvement in the process, the province made the final decision on landfill development. Bill 197 will establish that the province cannot render a positive development decision without the approval and/or support of the host municipality, therefore giving the host municipality more control over landfill development within their boundaries. This provision should be retained.

## **FINANCIAL/LEGAL IMPLICATIONS:**

Not applicable.

## **STAKEHOLDER IMPACTS:**

Not applicable.

## **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

**ATTACHMENTS:**

1. City of St. Catharines' Council resolution letter to the Honourable Jeff Yurek, Minister of Environment, Conservation and Parks.
2. Letter from OWMA requesting support for the City of St. Catharines' resolution.