

BRIEFING NOTE DEMAND THE RIGHT COALITION OF ONTARIO MUNICIPALITIES

GIVING ONTARIO MUNICIPALITIES THE “RIGHT TO APPROVE” LANDFILL DEVELOPMENTS IN THEIR OWN COMMUNITIES

PURPOSE

The purpose of this briefing note is to provide background information on an emerging issue for municipalities, and a campaign to change provincial legislation that would give municipalities the right to approve (or reject) future private sector landfill developments in their communities.

OVERVIEW

Ontario has a garbage problem, and it could soon be coming to your community.

Consider the following:

- Ontario’s landfill capacity (both public and private landfills) will run out of space by 2028-2032, depending on whether U.S. States continue to accept our waste¹;
- Ontario’s overall diversion rate has stalled over the last 15 years, with only 30% of waste diverted to recycling, composting or re-using, and 70% going to landfills²;
- Based on Ontario Ministry of Environment data, Ontario generates over 8 million tonnes of waste annually that goes to landfill³.

To put this into context, 8 million tonnes of garbage would fill Toronto’s Rogers Centre to the roof over 90 times a year.

This garbage has to go somewhere. Based on current waste volumes, and Ontario’s remaining capacity, we estimate that **there will need to be five to 10 “mega dumps”** identified, sited and approved in Ontario municipalities in the very near future. Some private sector companies are already targeting potential sites. This could mean YOUR municipality, whether you like it or not.

THE ISSUE

Under Ontario’s current Environmental Assessment legislation, municipal governments do not have the right to approve (or reject) landfill developments. The current process is in the hands of the Province and favours private sector waste companies over the rights of municipalities. Whether an impacted municipality wants to host a future landfill, or not, makes little difference.

Municipalities DO have the right to approve most developments in their communities. In fact, **municipalities have exclusive authority to approve:**

- Casino gaming facilities, O.Reg 81/12
- Nuclear waste storage, via the federal NWMO’s siting principles
- Hosting cannabis retail

However, when it comes to landfill projects, **municipalities do not have the right to say no** if they are identified by a private sector waste company.

¹ 2019. Ontario Waste management Association. [State of Waste in Ontario: 2018 Report](#), p.34.

² 2019. Ministry of Environment, Conservation & Parks. [Reducing Waste & Litter in Our Communities: Discussion Paper](#).

³ Ibid.

WHICH COMMUNITIES ARE BEING TARGETTED?

Municipalities that have quarry or mining operations (440 sites), or existing landfills (880 sites) are the most likely targets, but **any municipality outside the City of Toronto to the provincial border is a potential host for new landfill developments**, whether they like it or not. Several “mega dumps” will need to be approved in the very near future to accommodate the volume of waste that is coming, with at least five to 10 in the near future.

The current system allows private landfill operators to essentially ignore the concerns of local residents and municipal Councils, essentially placating them with consultations, but no real role in the process. The existing system is based on a 1950’s view of municipalities. We believe this needs to change.

ABOUT THE CAMPAIGN: THE DEMAND THE RIGHT COALITION

It is time Ontario passes legislation that gives municipalities the right to approve landfill projects.

The ***Demand the Right Coalition of Ontario Municipalities*** includes municipal leaders across Ontario and is calling on the Province to pass legislation that will give municipalities the right to approve landfill development as part of a modernized EA process. Campaign highlights include:

- Over 120 municipalities have formally approved a motion in their Councils, representing over six million Ontarians, calling on the Province to act (please see our website for the current list: www.demandtheright.ca);
- Support from the Ontario PC Party, and Ontario NDP Party, including a letter from Ontario PC Leader Doug Ford committing to implementation of this policy (please see attached);
- The Ministry of Environment’s Waste Discussion Paper (2019) identifies this issue, and states that the government is considering policy options to give municipalities greater authority when it comes to landfill development.

We are getting close, but WE NEED YOUR HELP to ensure the Province delivers on this issue, for our communities, and for our future.

OUR ASK

This campaign is NOT opposed to landfill development. It is aimed at levelling the playing field, and ensuring impacted municipalities have the right to say yes or no to these projects, and that these decisions be respected.

We believe municipalities should have the right to approve or reject landfill projects and assess whether the potential economic benefits outweigh environmental concerns. A new process must ensure that both a comprehensive EA process is completed, **AND** that impacted municipalities have the right to choose whether to accept these projects, or not.

As a municipal leader, we are asking that you do three things:

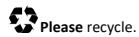
1. Introduce our motion in your Council, which calls upon the provincial government to pass legislation that grants municipalities the right to approve (or reject) landfill projects. You can access the motion by visiting this link: https://docs.wixstatic.com/ugd/a0d3a0_38e5eb4dc87044e3974271bac0b1c3fe.pdf
2. Write to the Minister of Environment and demonstrate YOUR support for taking action on this issue, with a copy to your local MPP and to us. (Please see the attached letter).
3. Help spread the word to your municipal colleagues, and follow us on Twitter at @ApprovalRights.

MORE INFORMATION

- To learn more, please email us at: ApprovalRights2019@gmail.com
- Please visit: www.demandtheright.ca
- Follow us on Twitter: @ApprovalRights

X LANDFILL APPROVAL
✓ We Demand the Right

demandtheright.ca



[DATE]

The Hon. Jeff Yurek MPP
Minister of Environment, Conservation & Parks
College Park, 5th Floor
777 Bay Street
Toronto, ON
M7A 2J3

Re: Granting Municipal Right to Approve Landfills in Ontario

Via electronic mail: minister.mecp@ontario.ca

Dear Minister Yurek:

Your Ministry's recent Discussion Paper highlights many of the challenges in our province when it comes to managing our residential and institutional, commercial and industrial (ICI) waste. In addition to the proposed overhaul of Ontario's Blue Box system, and other measures, I am writing to urge you to implement legislative changes that formally recognize and entrench the right of municipalities to choose whether or not to host future landfill developments proposed by the private sector in our communities.

As you know, Ontario municipal governments currently do not have the right to say yes or no to landfill development projects proposed by private sector waste companies. Whether an impacted community supports the development of a landfill, or not, makes little difference as the existing process is led by the province and favours private sector companies.

The fact is, Ontario municipalities have authority to make decisions for themselves in several areas. Indeed, we have *exclusive authority* and approval rights for other "sensitive" developments, including casinos, cannabis retail stores, and even nuclear waste storage sites. In these examples, despite municipalities having a veto over hosting these types of developments in their communities, MANY have chosen to say "yes" – even for nuclear waste storage.

However, when it comes to landfill approvals, we are left on the sidelines. We are consulted, but whether we are willing to have these projects in our communities, or not, makes no difference.

We want to change this. We want to level the playing field so that our voices on behalf of our communities are respected in a modernized approval process – one that recognizes the legitimate role that municipalities must have in these decisions. Only then can impacted municipal governments determine if the value such a landfill may bring can outweigh the concerns of residents and stakeholders.

I urge you as Minister of the Environment to provide all municipalities with the right to say yes or no to hosting landfill projects. This should be a local decision of impacted municipalities, in addition to the completion of a comprehensive environmental assessment overseen by the Ministry. The Premier promised this in writing during the 2018 election, and we urge you to deliver on this important policy proposal.

Sincerely,

[Name and Title]

CC: [Local MPP]
Demand the Right Coalition of Ontario Municipalities, via email:
ApprovalRights2019@gmail.com

MOTION
COUNCIL FOR THE
[INSERT NAME OF MUNICIPALITY]

MUNICIPALITIES CALL ON PROVINCE TO ENSURE ITS
“MADE-IN-ONTARIO ENVIRONMENT PLAN”
INCLUDES MUNICIPAL “RIGHT TO APPROVE” LANDFILL DEVELOPMENTS

WHEREAS municipal governments in Ontario do not have the right to approve landfill projects in their communities, but have authority for making decisions on all other types of development;

AND WHEREAS this out-dated policy allows private landfill operators to consult with local residents and municipal Councils, but essentially ignore them;

AND WHEREAS Ontario’s proposed “Made-in-Ontario Environment Plan” states that the province will grant municipalities a “greater say in siting of landfills”;

AND WHEREAS municipalities already have exclusive rights for approving casinos and nuclear waste facilities within their communities, whether to host cannabis retail in their communities, **AND FURTHER** that the province has recognized the value of municipal approval for the siting of power generation facilities;

AND WHEREAS the recent report from Ontario’s Environmental Commissioner has found that Ontario has a garbage problem, particularly from Industrial, Commercial and Institutional (ICI) waste generated within the City of Toronto, where diversion rates are as low as 15%;

AND UNLESS significant efforts are made to increase recycling and diversion rates, a new home for this Toronto garbage will need to be found, as landfill space is filling up quickly;

AND WHEREAS municipalities across Ontario are quietly being identified and targeted as potential landfill sites for future Toronto garbage by private landfill operators;

AND WHEREAS other communities should not be forced to take Toronto waste, as landfills can contaminate local watersheds, air quality, dramatically increase heavy truck traffic on community roads, and reduce the quality of life for local residents;

(over)

AND WHEREAS municipalities should be considered experts in waste management, as they are responsible for this within their own communities, and often have decades' worth of in-house expertise in managing waste, recycling, and diversion programs;

AND WHEREAS municipalities should have the exclusive right to approve or reject these projects, and assess whether the potential economic benefits are of sufficient value to offset any negative impacts and environmental concerns;

THEREFORE BE IT RESOLVED THAT the **[INSERT NAME OF MUNICIPALITY]** calls upon the Government of Ontario, as part of its "Made-in-Ontario Environment Plan" to formally entrench the right of municipalities to approve or reject landfill projects in or adjacent to their communities;

AND THAT in the case of a two-tier municipality, the approval be required at both the upper-tier and affected lower-tier municipalities;

AND FURTHER THAT the **[INSERT NAME OF MUNICIPALITY]** encourage all other municipalities in Ontario to consider this motion calling for immediate provincial action;

AND THAT the **MOTION** adopted by Council be forwarded to the **DEMAND THE RIGHT COALITION OF ONTARIO MUNICIPALITIES**.