



Council Deputation

Amendments to the Environmental Assessment Act

Who is OWMA?

OWMA is a not-for profit organization representing stakeholders in the Ontario waste management sector – 64 private sector companies and 65 municipalities (upper & lower tier).

Why are We here?

- OWMA is delegating in support of municipalities (over 65 and 2.4 million taxpayers) and the City of St. Catharines request for Council to endorse their position on Bill 197 and pass a supporting motion.
- Make available to council our experience and knowledge about this issue if there are any questions.

Background to Bill 197

- Bill 197, the COVID-19 Economic Recovery Act , 2020 deals with COVID-19 issues but obscured in a Schedule to the Act, is a significant change to the Environmental Assessment Act impacting municipalities. The Act has received Royal Ascent.

Why We Need Your Support?

There are several important reasons:

- **Municipalities passing resolutions are requesting a show of solidarity by municipal councils on this issue.**
- **The new provisions in the Bill create a dangerous precedent undermining municipal autonomy and will dramatically impact landfill approvals for (lower & upper tier) municipalities.**
- **OWMA needs your support to backstop advocacy efforts at Queens Park on behalf of municipalities.**
- **Local companies with investments and jobs in your municipality could be negatively impacted by Bill 197.**

Municipal Autonomy Compromised

- The Environmental Assessment Act change while dealing with landfill development, undermines municipal autonomy and establishes the principle that municipalities can 'veto' a development outside their municipal boundary in an adjacent municipality.
- Bill 197 would empower multiple municipalities to 'veto' development of a landfill development within a 3.5 kilometer zone inside the boundary of an adjacent municipality - **even if the host municipality supports the development.**
- This veto empowerment to adjacent municipalities is **'overreach'**.

Overreach Consequences

- The potential consequences are real and substantial.
- The overreach is a dangerous precedent – the ‘thin edge of the wedge’.
- It is landfill development today but if the principle remains unchallenged, what next? Other waste management infrastructure like organics processing, composting recycling facilities? Agricultural development, Transit infrastructure? Waste water treatment facilities? Etc.
- The overreach does compromise the autonomy and the authority of elected officials to make decisions in the best interest of their communities and taxpayers.
- Political entanglements between local municipal neighbours.
- Beware of the precedent for other levels of government

Bill 197 Does Contain Supportable Change

- Bill 197 does change the landscape around landfill developments and environmental assessment.

- In the past, while local municipalities were intimately involved in the process, the province made the final decision on development.
- Bill 197 now establishes that the province cannot issue a positive development decision without the approval/support of the 'host' municipality.
- While this will make it more challenging to get new landfill developments approved and potentially exacerbates our current landfill capacity crisis (14 years remaining), it is a reasonable and supportable change.
- Negative consequences for municipalities that rely on third parties for disposal.

The Solution

- The City of St. Catharines resolution accurately reflects the issues and concerns around the 'adjacent municipality' overreach.
- The answer is a simple amendment to schedule 6 in Bill 197 that removes the reference to adjacent municipalities while maintaining the ultimate right of host municipalities to have the final say.