



Council Memorandum

Date: October 22, 2019

To: Mayor and Council

From: David Kerr, P. Geo., Manager of Environmental Services

Re: Right for Municipalities to Approve or Reject Landfill Proposals

This memo is for information to Council and provides some discussion on the rationale (from CKL perspective) for the recommendation of giving municipalities the right to approve landfill developments in their communities. This information was requested by Council at the Committee of the Whole meeting on October 8, 2019 after a deputation from the Mayor of Ingersoll. At this meeting, the Mayor of Ingersoll had provided CKL Council with a draft resolution for their consideration in support of ‘Municipal Right to Approve’. The recommendation to pass this resolution was generally supported by Council at the October 8, 2019 meeting and is on the agenda for formal resolution on October 22, 2019.

Issue

In summary, the concern identified by the Mayor of Ingersoll is raised because provincial legislation administered by the Ministry of Environment, Conservation and Parks (MECP) has the power to approve where municipal waste is disposed. This approval can be provided regardless of whether or not the host municipality agrees with the location and whether or not the waste was generated in the host municipality. The concern for potential host municipalities being forced to accept municipal or industrial waste from outside their jurisdiction is that their landfill capacity could be used up very quickly leaving them without a long term solution for waste disposal for their own communities. This undermines any prudent long term sustainability planning a municipality has done and also leaves them vulnerable to potential environmental issues associated with waste from outside of their community.

Background

Currently there are private and municipally owned landfills in Ontario that are licensed to accept municipal and/or industrial waste outside of their host municipal boundaries. Examples would be Walker Industries in Niagara, Taro Aggregates in Hamilton or GFL’s landfill in Moose Creek. These private sites provide a service to accept waste from municipalities that do not have the financial resources to obtain their own landfill approvals or lack the space to construct a landfill. The sites are approved by the MECP as opposed to the host municipality. Although a host municipality is usually consulted with in the approval process for such things as zoning, setbacks, transportation, and environment, the final say on approval rests with the province. It is a risk to the municipality that the province may approve a site despite the municipality’s objections. Therefore, the current approval process has obvious drawbacks for many municipalities. The following section provides some points in favour of CKL endorsing a

resolution similar to that provided by the Mayor of Ingersoll and supporting the right to approve or reject new landfills or expansions.

Should CKL have the right to approve or reject landfill projects?

- Municipalities take financial accountability for their communities and plan for the long term for their own community sensitivities and needs, therefore, they should have say in what their community looks like and how it should be planned. The current landfill approval process allows the province to overstep this process and undermine the expectations of the municipality.
- The current approval process is not consistent with our community sustainability planning when it comes to waste. Currently, waste disposal is planned well in advance and along with other development. This should be a municipal decision as municipal infrastructure needs to be planned around waste sites i.e. traffic, setbacks environmental.
- Waste disposal is every communities challenge and proper management of waste should be left to the community to ensure buy-in. If decisions are forced against the municipality's interest, there could be unrest and conflict in communities, making them less attractive to live in.
- Recycling and waste diversion initiatives would likely suffer as the public would ask "why are we doing this". Currently part of the rationale for recycling and reducing waste is to extend the life of our landfills. If our current landfills are used up quickly by outside sources or a new landfill is established, there would likely be a disincentive to recycle by the public. Their voice in being a vital part of the decision process would not be respected.
- Current process does not wholly address equitable municipal compensation for long term risks with proposed private sites i.e. environmental issues and road maintenance. How is the owner of the landfill or the owner of the waste that goes to the landfill held accountable in instances where the owner of a private landfill goes bankrupt etc.?
- The current process does not attract and encourage development or stabilize real estate values. In fact it is likely that real estate values would drop. People may avoid moving to a community that has a risk becoming a hub for a large waste site.
- A large private landfill built in CKL may not be consistent with the City's corporate strategy and vision for a healthy environment and vibrant growing economy.
- For financial reasons, a municipality may deem it is in their best interest to support the establishment of waste coming into their municipality from outside sources. By allowing the municipality the right to approve or reject a landfill does not negate this from happening if it is the will of the community and municipality; however, it does uphold the wishes of the community and forward planning.

Based on this rationale and the many reasons cited by the Mayor of Ingersoll, the case for demanding the "Right to Approve or Reject landfills" for a municipality within its own

boundaries is compelling. Staff support endorsing the draft resolution (or one similar) as presented by the Mayor of Ingersoll.