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SENT VIA EMAIL AND MAIL: serge.imbrogno@ontario.ca

Deputy Minister Serge Imbrogno
Ministry of the Environment, Conservation and Parks
College Park, 5th Floor
777 Bay Street
Toronto, ON M7A 2J3

Dear Mr. Imbrogno:

Re: *Environmental Assessment Act* Amendments Affecting Future Residual Waste Disposal Considerations – Municipal Support for Waste Disposal Sites and Establishment of a Waste Disposal Working Group

This letter is in regard to the recent changes to Ontario's *Environmental Assessment Act* (EAA), which affect the City of Toronto's future residual waste disposal considerations.

Upon direction from Toronto City Council at its meeting on June 8 and 9, 2021, "Item IE22.9 Update on Environmental Assessment Act Amendments Affecting Future Residual Waste Disposal Considerations", the City of Toronto (City) requests the Government of Ontario (Province) to provide greater certainty and clarity regarding the obligations under *section 6.0.1* of the EAA. Additionally, the City requests that the Province establish a Waste Disposal Working Group which includes the City and other large Ontario landfill owners, to support the planning of future residual waste disposal infrastructure and capacity needs for the Province to accommodate population growth.

Reference link to Toronto City Council Decision for Item IE22.9:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.IE22.9>

A) Certainty and Clarity regarding Municipal Support of Waste Disposal Sites

The City would like to obtain additional clarity regarding *section 6.0.1* of the EAA, which requires a proponent who wishes to proceed with an undertaking to establish a waste disposal site to obtain municipal support from each adjacent local municipality. With Ontario's total landfill capacity forecasted to be exhausted by 2036,¹ this requirement could potentially create additional scarcity in an already-vulnerable landscape. Additionally, this

¹ Ontario Waste Management Association 2021 Landfill Report

requirement may negatively impact municipalities seeking long-term residual waste management options.

Specifically, the City is requesting that the Province provide clarification on the following in regard to the *section 6.0.1* requirement under *EAA*:

1. Whether or not a municipality that previously supported development of a new landfill could rescind its support at a future date (e.g. due to a new council administration)?
2. If a municipality's support for a new landfill can be rescinded after it has been approved:
 - Is there a timeframe a municipality has to rescind its approval?
 - Are there any implications for a municipality if its rescinded approval negatively impacts the proponent of the landfill development?
3. How the process is to be followed including any further information that the Province may be able to provide to help guide and support municipalities to comprehensively evaluate proposed new landfills which could establish more certainty in any new landfill site planning processes for Ontario's the waste management industry.

In addition, the City is requesting clarification from the Province regarding what circumstances could trigger the exemption process outlined in the bulletin released by the Province on July 8, 2020 titled "Proposed *Environmental Assessment Act* Amendments in the COVID 19 - *Economic Recovery Act*,"² which states "existing regulation-making authority could exempt a proponent from obtaining municipal support", as required under *section 6.0.1* of the *EEA*. Severe landfill constraints is cited as an example where such authority could be employed – what evidence and data would the Province rely upon to determine such severity?

B) Establishment of a Waste Disposal Working Group

With the projected constraints on remaining and future needed available landfill options throughout Ontario, municipalities such as the City of Toronto are facing unprecedented challenges to secure long-term residual waste disposal options. Even if significant increased waste reduction and diversion targets can be achieved, such as the targets set in Provincial extended producer responsibility regulations, there will still be considerable amounts of residual waste that must be managed.

An additional vulnerability associated with Ontario's remaining landfill capacity is the fact that approximately 30 per cent of its waste is exported to the United States.³ Any changes in legislation from the United States to restrict the import waste from Ontario will put additional pressure on Ontario's landfills.

² Proposed *Environmental Assessment Act* Amendments in the COVID 19- Economic Recovery Act, Link: <https://ero.ontario.ca/notice/019-2051>

³ Ontario Waste Management Association 2021 Landfill Report

In order to help support the guiding principles of the Province's Made-in-Ontario Environment Plan, which places emphasis on using evidence-based support to ensure resilient communities and local solutions, the City recommends that the Province establish a Waste Disposal Working Group (Working Group). The provincial engagement of landfill owners, operators and the waste management industry through the Working Group is needed to help convene and support discussions which can proactively plan and accommodate future waste infrastructure growth needs. Preliminary core objectives of the Working Group could include:

1. Regional future planning for residual waste disposal capacity in the province including the impacts to quantities of waste being landfilled as a result of the adoption and implementation of regulations under the *Resource Recovery and Circular Economy Act, 2016*⁴ and particularly in connection with the Food and Organics Waste Policy Statement;⁵
2. Sharing of industry innovation and best practices being employed which demonstrate the remaining value of waste resources and recovery practices which can help to reduce greenhouse gas emissions (i.e., beneficial use of landfill gas); and
3. Understanding industry challenges and priorities in order to ensure residual waste disposal capacity needs of the province can be met.

The City, similar to other Ontario municipalities, has recently embarked on a long-term residual waste planning study. This study will identify residual waste disposal options available to the City for the next 50 years. A Waste Disposal Working Group could help inform the City's long-term residual waste planning study and other similar studies, in order to provide a clear understanding of residual waste disposal options throughout the province.

⁴ Resource Recovery and Circular Economy Act, 2016, Link: <https://www.ontario.ca/laws/statute/16r12>

⁵ Food and Organic Waste Policy Statement, Link: <https://www.ontario.ca/page/food-and-organic-waste-policy-statement>

If you have any questions regarding the City's request, please contact Annette Synowiec, Director of Policy, Planning & Outreach, Solid Waste Management Services, City of Toronto, by email at Annette.Synowiec@toronto.ca or by telephone 416-392-9095.

Yours truly,



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MK/db

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