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November 30, 2020

Standing Committee on Finance and Economic Affairs
c/o Julia Douglas, Clerk of the Committee
99 Wellesley Street West
Room 1405, Whitney Block
Queen's Park
Toronto, ON M7A 1A2

Dear Standing Committee Members:

Re: Schedule 41 of Bill 229 – City of Toronto staff comments on proposed amendments to the *Resource Recovery and Circular Economy Act, 2016*

City of Toronto staff have reviewed the amendments to the *Resource Recovery and Circular Economy Act, 2016* (RRCEA) that have been proposed in Schedule 41 to Bill 229, Protect, Support and Recover from *COVID-19 Act* (Budget Measures), 2020 and have a further amendment for your consideration.

Schedule 41, Amendment 7, Section 107.1 (2) *Rules*, states “A regulation made under this section may authorize or require one or more prescribed persons or entities to make rules in respect of the collection of blue box material.” To meet the RRCEA’s intent of successfully transitioning to a common recycling collection system, Toronto requests adding to the end of the subsection: “as long as municipalities are adequately consulted on potential matters impacting their ability to manage the other waste streams” so that the amendment reads:

A regulation made under this section may authorize or require one or more prescribed persons or entities to make rules in respect of the collection of blue box material, as long as municipalities are adequately consulted on potential matters impacting their ability to manage the other waste streams.

We understand this amendment authorizes producers (of products and packaging) to create the new rules for the Province-wide collection of blue box materials. To help inform the decision making process, municipalities must be consulted on any aspect of this common collection system that may impact the ability of municipalities, including the City, to operate its portion of the waste stream, including garbage and organics, to ensure collection is done in a safe and efficient manner. It is in both producers’ and municipalities’ best interests to work together on these aspects of the common collection system to ensure a smooth transition and minimize any impacts to residents.

In addition, the Ministry of the Environment, Parks and Conservation has posed the following questions on the Environmental Registry of Ontario (ERO Number 019-2579) in relation to the draft regulation to make producers responsible for operating blue box programs:

- Are amendments to the RRCEA needed to affirm that producers own any blue box materials put out for collection?

- Are provisions required to confirm their ability to access blue box materials on municipal property?

Any proposals to amend the RRCEA to indicate that producers own any Blue Box materials put out for collection and to confirm a producer's ability to access Blue Box materials on municipal property are, in the City's opinion, premature. Until there is evidence to substantiate the need for these clarifications, they amount to an arbitrary overreach. We strongly recommend that the Ministry of the Environment, Conservation and Parks (MECP) consult on these issues in more detail following posting of the Blue Box regulation on the Environmental Registry, and make only necessary amendments to the RRCEA prior to the transition of municipal Blue Box Programs to producers in 2023.

Therefore, if during your Standing Committee meeting, further amendments to the RRCEA are proposed regarding ownership of blue box materials, Toronto strongly urges the Standing Committee to not consider these or any further amendments to the RRCEA at this time. Instead, any future legislative amendments should be brought to the Legislative Assembly after such time as there has been sufficient consultation with stakeholders, particularly municipalities.

Producers should not be impeded in meeting their collection and management targets, and municipalities should not be impeded in establishing policies and bylaws related to public health and safety, environmental protection, and quality of life for their residents. It is critical that both parties work together to ensure all materials are collected and removed from the right-of-way in a safe and expedient manner, and City of Toronto staff would be pleased to work with the Ministry and producers to develop a system that works.

Thank you for your consideration of our concerns. Should you have any questions regarding our submission, please contact Annette Synowiec, Director of Policy, Planning & Outreach, Solid Waste Management Services, by email at Annette.Synowiec@toronto.ca or by telephone at 416-392-9095.

Yours truly,



Matt Keliher
General Manager
Solid Waste Management Services

Copy to: Deputy Minister Serge Imbrogno, Ministry of the Environment, Conservation and Parks

Chris Murray, City Manager, City of Toronto

Tracey Cook, Deputy City Manager, Infrastructure & Development Services, City of Toronto



City Council

Member Motions - Meeting 26

MM26.8	ACTION	Adopted		Ward: All
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Opposition to the Government of Ontario's changes to Conservation Authorities - by Councillor Mike Layton, seconded by Councillor Paula Fletcher

City Council Decision

City Council on November 25 and 26, 2020, adopted the following:

1. City Council request the Government of Ontario to remove proposed amendments to the Conservation Authorities Act and the Planning Act in Bill 229 relating to planning, permitting and enforcement, and to include strengthened provisions related to enforcement, in order to support a balanced approach to development, enable Conservation Authorities to mitigate natural hazards and protect natural heritage, and to prevent any downloading of enforcement costs to municipalities
2. City Council request the Government of Ontario to reverse its decision to eliminate citizen experts from the board of Conservation Authorities.
3. City Council request that this decision be forwarded to the Premier, the Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Standing Committee on Finance and Economic Affairs, all City of Toronto MPPs, all Conservation Authorities serving the City of Toronto jurisdiction, and the Association of Municipalities of Ontario.

Summary

On November 5, 2020, the Government of Ontario introduced Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, an Omnibus Bill that proposes limitations to Conservation Authorities' permitting, planning and enforcement powers if passed, will work to diminish Conservation Authorities' ability to fulfill the Act's purpose and objects.

Conservation Authorities are tasked with protecting life and property and the preservation of significant natural features within our watersheds and fast-growing communities in the Greater Toronto Area. The Toronto and Region Conservation Authority plays a crucial role in the permitting process, often on behalf of our partner municipalities.

Included in these proposed changes was the removal of citizen experts from the board of Conservation Authorities, which is anti-democratic and anti-science at a time when reliance upon facts and making informed choices are integral to fighting the climate change emergency.

These changes will hinder Conservation Authorities' abilities to fulfill their mandates, do not reflect the Provincial Flood Advisor and Auditor General recommendations, and recently updated Provincial land use policies, and are problematic for the partner municipalities that they serve who rely on Conservation Authorities to help regulate development and illegal activities.

Further, these changes may have hidden costs for municipalities as enforcement issues will get downloaded to municipal jurisdiction with no indication of funding to offset these new services.

The City of Toronto must vehemently oppose these changes and work to provide support to our Conservation Authorities to fulfill their mandate, and empower them to take a leading role tackling climate change and supporting the protection of life and property and significant natural features.

Background Information (City Council)

Revised Member Motion MM26.8

<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-158646.pdf>

Communications (City Council)

(November 24, 2020) Letter from Leslie Gooding, Co-Chir, High Park Natural Environment Committee (MM.New.MM26.8.1)

<http://www.toronto.ca/legdocs/mmis/2020/mm/comm/communicationfile-124049.pdf>

(November 25, 2020) Letter from Lenka Holubec, ProtectNatureTO (MM.New.MM26.8.2)

<http://www.toronto.ca/legdocs/mmis/2020/mm/comm/communicationfile-124060.pdf>

(November 24, 2020) E-mail from Catherine Berka (MM.New.MM26.8.3)

(November 13, 2020) Submission from Councillor Mike Layton forwarding a communication from Laurie Nelson, Director, Policy Planning, Toronto Region and Conservation Authority (MM.New.MM26.8.4)

<http://www.toronto.ca/legdocs/mmis/2020/mm/comm/communicationfile-124286.pdf>