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October 21, 2019

The Hon. Steve Clark
Ontario Minister of Municipal Affairs and Housing
College Park 17th Floor
777 Bay St.
Toronto, ON M5G 2E5

RE: Response to Provincial Policy Statement Review - Proposed Policies (ERO 019-0279)

Dear Minister,

I am writing on behalf of the member firms of the Ontario Environment Industry Association (ONEIA) to provide our response to the above-noted Provincial Policy Statement (PPS).

As you know, Ontario is home to Canada's largest group of environmental and cleantech companies which employ more than 65,000 people across a range of sectors including private waste/resource recovery services, water and wastewater, brownfields remediation and redevelopment, and environmental consulting. These companies contribute more than \$8 billion to the provincial economy, with approximately \$1 billion of this amount coming from export earnings. As private companies that provide significant employment across our province, ONEIA members are committed to working with the government to enact smart regulations that ease unnecessary regulatory burdens while protecting our environment and our fellow citizens.

In this light, a subcommittee of our members has reviewed the PPS and has identified the following areas for discussion and improvement.

OVERVIEW

Over our 27-year history, ONEIA has supported policies that protect the environment and public safety, while reducing barriers and costs for development and providing greater predictability for municipalities, business and the public. We have also been unequivocal in our support of proper land use planning, flood protection, sustainable growth and intensification of our housing supply, and the need to preserve green space across Ontario.

With respect to PPS, we agree broadly with its focus on the efficient use and management of land and infrastructure, including the protection of environment and resources while ensuring opportunities for economic development and job creation while ensuring that appropriate transportation, water, sewer and related infrastructure is in place to accommodate current and future needs. We see an opportunity, however, to supplement its calls for infrastructure investment by proposing additional measures that can address land use planning related to resource recovery infrastructure including organics, recycling and other waste disposal infrastructure.

With this in mind, ONEIA members are specifically calling for:

- Clear language that clarifies that provincial policies and land use planning take precedence over local and municipal ones with respect to environmental matters (e.g. the siting of organic waste management facilities);
- The provision for the designation of lands in municipal planning documents for critical resource recovery and disposal infrastructure, analogous to similar provisions that support water, sewer, road, and transit infrastructure; and,
- Mechanisms to reduce or eliminate redundancies between environmental and land use planning approval processes (e.g. duplicating technical studies).

The following sections of this document elaborate upon these issues and note specific opportunities to revise the PPS to:

- Recognize and support the development of resource recovery and waste disposal infrastructure including organic waste processing in the same manner as other critical infrastructure, such as water, sewer, roads and transit; and
- Streamline the land use planning process for these facilities by requiring municipal accommodation of such infrastructure and integrating environmental and land use plan requirements to provide certainty for municipalities, business and the public.

ONEIA understands that municipalities are the primary implementers of the PPS through policies in their official plans, zoning by-laws and other planned related decisions. ONEIA members have found that resource recovery and waste management infrastructure is not always managed well through this process and is often adversely affected by incidents where municipalities will prioritize public infrastructure and attempt to stymie the development of similar private infrastructure within its jurisdiction. If the province brings clarity to this issue, it can create a level playing field and deliver certainty to the private sector in this important area that supports economic growth and environmentally beneficial outcomes.

Policy conflicts send mixed signals about critical infrastructure

Various PPSs offer inconsistent narratives around the priority of and support for critical resource recovery / waste processing and disposal infrastructure. As an example, the Ministry of Environment, Conservation and Parks (MECP) has a policy statement on Food and Organic Waste that supports development of these facilities to enable diversion and reuse of these materials while other provincial policy statements (e.g. the Growth Plan) offer limited support and do not accord the same priority to such infrastructure as is accorded other critical infrastructures such as water, sewer, road, and transit facilities.

These policy conflicts send mixed signals to public and private proponents who attempt to meet one set of provincial priorities while fighting another. As a result, critical infrastructure does not attract necessary investment and is often not developed due to a lack of provincial policy consistency.

ONEIA suggests the following measures within the PPS to address these issues:

- Ensure that where the policies of provincial plans, like the aforementioned Food and Organics Waste policy, address the same, similar, related, or overlapping matters as the policies of the PPS, applying the more specific policies of these provincial plan(s) satisfies the more general requirements of the PPS; and
- Ensure that provincial plans, such as the Food and Organic Waste provincial policy, are read in conjunction with the PPS and that they take precedence over the policies of the PPS in the event of any conflict, except where the relevant legislation specifies otherwise (e.g. Environmental Protection Act (EPA)).

Designated Lands

A vast majority of resource recovery and waste management facilities are analogous to light to heavy industrial land uses. As such, these facilities should ideally be allowed in areas zoned for that use. However, few municipalities include these facilities as permitted uses in industrial areas, which then requires proponents to seek amendments to official plans and by-laws. This adds time, expense, and uncertainty for proponents and the public regarding the location of facilities and limits proponents' abilities to develop critical infrastructure that supports provincial policies.

Given the above, ONEIA suggest the following measures within the PPS to address these issues:

- Ensure that municipal official plans identify provincial interests, like critical organics, diversion and disposal infrastructure, and include appropriate land use designations and policies to enable development of this infrastructure; and
- Ensure that zoning and development permit by-laws also identify appropriate areas for resource recovery and waste disposal infrastructure as key tools for implementation of this PPS, and that planning authorities maintain their zoning and development permit by-laws in an up-to-date manner consistent with their official plans and this PPS.

Approval Redundancy

A multitude of redundancies exist between environmental and land use approvals (e.g., O.Reg. 101/07 and zoning by-laws regarding leaf and yard waste compost facility siting) and stakeholder consultation requirements within environmental and land use approvals (i.e., technical studies, stakeholder consultation, etc.). This impedes a more streamlined consideration of projects by provincial, municipal and other government agencies and creates greater uncertainty for public and private proponents, investors and the public.

Given the above, ONEIA suggests the following measures within the PPS to address these issues:

- Ensure that a coordinated, integrated and comprehensive approach is applied when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards; and,
- Ensure that within the framework of the provincial policy-led planning system, various planning authorities and decision-makers can only go beyond the minimum standards set in the PPS to address matters of importance to a specific community, but when they do so they must ensure there is no conflict with any policy of the PPS or provincial interest (e.g. development of resource recovery and waste disposal infrastructure).

Primacy of Provincial Policy

While provincial policy is supposed to have primacy over local policy where applicable (as is the case for water, sewer, road and transit infrastructure) this is not the case with respect to resource recovery and waste disposal infrastructure. As a result, land use planning processes are often seen and used as an alternate means to stymie these projects after environmental approvals have been conditionally granted. This often protracts approval and development of critical infrastructure to support provincial policy regulated to the development of resource recovery and waste disposal infrastructure. Further, the vacillation of appeals mechanisms between the Ontario Municipal Board (OMB) to Local Planning Appeal Tribunals (LPAT) and back again has impeded progress

of such infrastructure and creates additional uncertainty for proponents, investors and the public.

Given the above, ONEIA suggests the following measures within the PPS to address these issues:

- Ensure that land use planning decisions made by municipalities, planning boards, the Province, or any commission or agency of the government must be consistent with the PPS and, where provincial plans are in effect, planning decisions must conform and not conflict with them; and
- Ensure that provincial interests, including the need for resource recovery and waste disposal infrastructure, are upheld by provincial agency and regional and municipal government decision-making, and that the flexibility provided in implementation of the PPS by these entities does not restrict outcomes that support provincial interests (e.g. the development of resource recovery and waste disposal infrastructure).

Opportunities for collaboration for environmental and economic benefit

ONEIA members represent a range of environmental and clean technology companies that agree with the Province on the overall principles of the PPS regarding the protection of the environment and public safety.

To this end, ONEIA members request that the Province engage further with our member companies on additional matters covered within the PPS, namely:

- Promotion of on-site local reuse of excess soils;
- Enhancement of direction for impacts of a changing climate;
- Enhancement of stormwater management policies to protect water and support climate resiliency; and
- Refocusing PPS energy policies to support broad ranges of energy types and opportunities for increased energy supply and storage.

Conclusion

ONEIA generally supports the proposed PPS with respect to its measures that protect the environment and public safety, while reducing barriers and costs for development and providing greater predictability for municipalities, business and the public. We believe that the revised PPS will encourage municipalities to facilitate conditions for economic investment and support stronger protection for major facilities, including resource recovery and waste management infrastructure.

However, we would strongly suggest that the PPS must be augmented with policies that:

- a. support critical resource recovery and waste disposal infrastructure;
- b. clarify conflicts between provincial policies regarding land use and this infrastructure
- c. reinforce the primacy of provincial policy over local and municipal policies;
- d. reduce or eliminate duplication between approvals processes; and,
- e. that support further efforts at the provincial and municipal levels to designate lands for critical resource recovery and disposal infrastructure.

ONEIA members are available to work with the Ministry to improve the measures outlined in the PPS and would welcome the opportunity to discuss this further.

Thank you for your consideration. Should you have any questions with respect to this letter, feel free to contact me directly at (416) 571-5030 or at agill@oneia.ca.

Yours truly,

Alex Gill
Executive Director

c.c. The Hon. Prabmeet Sakaria, Associate Minister of Small Business and Red Tape Reduction

The Hon. Jeff Yurek, Ontario Minister of Environment, Conservation and Parks

Giles Gherson, Deputy Minister, Small Business and Red Tape Reduction

Charles O'Hara, Acting Director, Resource Recovery Policy Branch, Ministry of Environment, Conservation and Parks