

April 2016

APPENDIX: PROPOSED AMENDMENTS TO BILL 151

The Association of Municipalities of Ontario ("AMO") request the following amendments to Bill 151.

WASTE DIVERSION TRANSITION ACT, 2015

1. Section 2, **Interpretation**, of the *Waste Diversion Transition Act, 2015*, is amended by adding the following definition for Municipal Advisory Body:

"Municipal Advisory Body" means one municipal representative from each of the Association of Municipalities of Ontario, the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association;
2. Subsection 11 (1), **Blue box program payments to municipalities**, of the *Waste Diversion Transition Act, 2015*, is deleted in its entirety and replaced with the following:
 11. (1) The waste diversion program for blue box waste must provide for payments to municipalities to be determined in a manner that results in the total amount paid to all municipalities under the program being equal to the applicable percentage of:
 - (a) the total actual costs incurred by all municipalities with respect to the diversion of blue box waste as verified by the Datacall, minus
 - (b) the total actual revenue generated by all municipalities with respect to the diversion of blue box waste as verified by the Datacall.
 - (2) For the purposes of this section, the applicable percentage is 50 per cent or such greater percentage as is prescribed by the regulations for the purposes of this subsection.
 - (3) For the purposes of this section, "Datacall" means the datacall described in the waste diversion program for blue box waste developed under the *Waste Diversion Act, 2002* that is continued by subsection 9(1) of this Act.
 - (4) The waste diversion program for blue box waste developed under the *Waste Diversion Act, 2002* that is continued by subsection 9(1) of this Act is deemed to provide for payments to municipalities as set out in this section as of the date this section comes into force.

3. Section 12(2), **Consultation**, of the *Waste Diversion Transition Act, 2015* is amended by inserting the words "*shall consult with the Municipal Advisory Body and*" after the words "*relevant industry funding organization*". The revised section shall read as follows:

12(2) The Authority and the relevant industry funding organization ***shall consult with the Municipal Advisory Body and*** shall determine which persons they consider to be affected by the proposed material change and how to consult those persons about it, and shall conduct consultations accordingly.

4. Section 13 (2), **Consultation**, of the *Waste Diversion Transition Act, 2015* is amended by inserting the words "*shall consult with the Municipal Advisory Body and*" after the words "*industry funding organization*". The revised section shall read as follows:

13 (2) The Authority and the relevant industry funding organization ***shall consult with the Municipal Advisory Body and*** shall determine which persons they consider to be affected by the proposed change and how to consult those persons about it, and shall conduct consultations accordingly.

RESOURCE RECOVERY AND CIRCULAR ECONOMY, 2015

5. Section 1, **Definitions**, of the *Resource Recovery and Circular Economy, 2015*, is amended by adding the following definition for Municipal Advisory Body:

"Municipal Advisory Body" means one municipal representative from each of the Association of Municipalities of Ontario, the City of Toronto, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association;

6. Section 2(j), **Provincial Interest**, of the *Resource Recovery and Circular Economy, 2015*, is amended by inserting the words "*from existing diversion levels at the time this Act comes into*" force after the words "*all sectors of the economy*". The revised section shall read as follows:

2 (j) increase the reuse and recycling of waste across all sectors of the economy ***from existing diversion levels at the time this Act comes into force.***

7. Section 2, **Provincial Interest**, of the *Resource Recovery and Circular Economy, 2015*, is amended by the addition of the following new subsection and renumbering the following subsection accordingly:

(o) foster fairness to taxpayers;

8. Section 11 (2), **Development of policy statements**, of the *Resource Recovery and Circular Economy, 2015*, is amended by inserting the following words “*and amending*” after the words “*In developing*”. The revised section shall read as follows:

11 (2) In developing *and amending* a policy statement, the Minister shall consult, in the manner the Minister deems appropriate, with,

9. Section 11 (2), **Development of policy statements**, of the *Resource Recovery and Circular Economy, 2015*, is amended by the addition of the following new subsection (e) and renumbering the following subsection accordingly:

11 (2) (e) the Municipal Advisory Body;

10. Section 30, **Consultations, etc.** of the *Resource Recovery and Circular Economy, 2015*, is amended by the addition of the following new subsection 4:

4. Conduct consultations with the Municipal Advisory Body to identify any financial impacts and/or burdens that may be placed on municipal waste operations or result in negative impacts on diversion rates.

11. The addition of a new subsection to section 89, **Administrative penalties**, authorizing and requiring that the Authority to pay all or some of a collected penalty to a municipality if the contravention giving rise to the administrative penalty pursuant to subsection 89(2) caused, or resulted in, increased collection, processing or other costs to that municipality.

(Alternatively, the list in subsection 89(2) could be limited only to administrative contraventions that would not result in waste services costs being incurred by municipalities (*e.g.* not submitting a required report, or failure to comply with record keeping), in which case, the additional subsection suggested above would be unnecessary.)

12. The addition of a new subsection to section 98, **Offences**, authorizing and requiring the Province to pay the fine to the municipality where the offence occurred as a result of a contravention of subsections 98(1) or 98(2).

13. Section 103, **Regulations, general rules**, of the *Resource Recovery and Circular Economy, 2015* is amended by the addition of the following new subsection (6):

Consultation Municipal Advisory Body

- (6) Prior to the posting of any draft regulations on the Environmental Bill of Rights or the Regulatory Registry the Municipal Advisory Body shall be provided an opportunity to review and comment on any draft regulation to identify possible financial burdens that may be placed on municipal waste operations or negative impacts on diversion rates.