

Legislative
Assembly
of Ontario



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67 ELIZABETH II, 2018

Bill 16

**An Act to amend the Environmental Assessment Act and the
Environmental Protection Act to require support from
municipal councils and band councils before establishing landfilling sites**

Mr. E. Hardeman

Private Member's Bill

1st Reading March 22, 2018

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Respecting Municipal Authority Over Landfilling Sites Act, 2018*. The Act amends the *Environmental Assessment Act* to provide that the Minister shall not give approval to proceed with an undertaking in respect of a landfilling site within a municipality or on a reserve unless the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the landfilling site. The Act makes a similar amendment to the *Environmental Protection Act* with respect to the Director issuing an environmental compliance approval in respect of the establishment of a landfilling site.

**An Act to amend the Environmental Assessment Act and the
Environmental Protection Act to require support from municipal councils and
band councils before establishing landfilling sites**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Environmental Assessment Act

1 (1) Section 9 of the *Environmental Assessment Act* is amended by adding the following subsections:

Landfilling site approval

(1.1) The Minister shall not give approval to proceed with an undertaking in respect of a landfilling site within a municipality or on a reserve unless the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the landfilling site.

Definitions

(5) In this section,

“council of the band” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“conseil de la bande”)

“Indian” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“Indien”)

“reserve” means a reserve as defined in subsection 2 (1) of the *Indian Act* (Canada) or an Indian settlement located on Crown land, the Indian inhabitants of which are treated by Indigenous and Northern Affairs Canada in the same manner as Indians residing on a reserve. (“réserve”)

(2) Subsection 9.1 (2) of the Act is amended by striking out “subsection 9 (1)” at the end and substituting “section 9”.

Environmental Protection Act

2 (1) Section 20.3 of the *Environmental Protection Act* is amended by adding the following subsections:

Landfilling site approval

(3) The Director shall not issue an environmental compliance approval in respect of the establishment of a landfilling site within a municipality or on a reserve unless the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the landfilling site.

Definitions

(4) In this section,

“council of the band” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“conseil de la bande”)

“Indian” has the same meaning as in subsection 2 (1) of the *Indian Act* (Canada); (“Indien”)

“reserve” means a reserve as defined in subsection 2 (1) of the *Indian Act* (Canada) or an Indian settlement located on Crown land, the Indian inhabitants of which are treated by Indigenous and Northern Affairs Canada in the same manner as Indians residing on a reserve. (“réserve”)

(2) Subsection 20.15 (6) of the Act is amended by striking out “and the Director” and substituting “and, subject to subsection 20.3 (3), the Director”.

Commencement

3 This Act comes into force on the day it receives Royal Assent.

Short title

4 The short title of this Act is the *Respecting Municipal Authority Over Landfilling Sites Act, 2018*.