



# ROMA's Response to Strengthening the Province's Environmental Compliance Approach

(ERO postings 019-3268, 019-2785, 019-2768, and 019-2972)

Submission to the Ministry of the Environment, Conservation and Parks

July 5, 2021

### **Proposed Land Use Compatibility (D-Series) Guideline**

Rural municipal governments support the Ministry's move to create consistent land use compatibility guidelines and provide better enforcement tools. This will ensure stronger compliance with environmental laws, hold polluters accountable, and continue to protect human health and the natural environment. It also provides a more streamlined approach and direction for planning authorities and proponents to identify and address land use compatibility requirements.

### **Proposed Odour Guideline**

We are also supportive of the Odour Guideline as it will help industrial facilities, development proponents, and other members of the regulated community anticipate, prevent, and address odour issues to better protect the environment and hold polluters accountable.

There are, however, a few considerations to highlight as the Ministry considers the D-Series and Odour Guideline proposals:

1. Additional guidance, education, and support is needed for all municipalities to understand and implement these proposed changes.
2. There must be recognition that a "one size fits all" approach to planning does not work. As such, companion guidelines from other Ministries (such as the rules around cannabis production in the prime agricultural and rural areas) must be considered to ensure the right balance is struck.

### **Proposed Compliance Policy**

ROMA also supports the update to Ontario's environmental compliance policy and practices and the provision of updated tools and resources to environmental officers to prioritize high-risk incidents.

However, the proposal to move the enforcement of the approximately 7,000 lower-risk noise and odour incidents annually to municipal governments will have significant resourcing impacts for the sector.

### **Proposal to Expand Administrative Monetary Penalties**

Similarly, although municipal governments have been supportive of the wider use of AMPs, the application of AMPs to municipal government operations under this proposal requires further exploration.

### **Summary**

Therefore, as the Ministry considers these proposals, ROMA requests further clarity in areas of municipal and provincial enforcement responsibility, and for provincial resources to assist small and rural municipalities in building application and enforcement capacity. In particular:

1. Further exploration is needed to determine whether and how municipal governments will be provided means to recover these costs and properly resource and train staff to deal with these kinds of complaints. Many municipalities use complaint-based systems to identify violations, and therefore may be overwhelmed by high volumes of complaints. Small municipalities have limited staff resources and often do not have full-time by-law enforcement personnel. In fact, many small municipalities share a single by-law officer.

2. Additional information is required to better understand the Ministry's proposed timelines for the transition, and how the transition is expected to take place.
3. Though out of scope in this consultation, an AMPs regulation for the *Resource Recovery and Circular Economy Act* is needed to help ensure that producers are held accountable to the targets set.

Thank you again for the opportunity to comment on the Ministry's proposed initiatives. We look forward to working with AMO and your Ministry to ensure the approach to environmental compliance works for all Ontarians.