

Resolution of the Hamilton Chamber of Commerce; Re Private Waste Facilities

ISSUE

The Council of the City of Hamilton has taken action that suggests it is considering a ban on all new private waste management facilities within the boundaries of the City. The term “private waste management facility” has not yet been defined but councillors have stated that it will include recycling facilities and it may include all facilities that require an Ontario Part 5 waste management approval for their operations. It is currently the stated intention of the Economic Development and Planning Committee (ED&P) to include this prohibition on all new private waste management facilities in the new Official Plan and in the Comprehensive Zoning Bylaw, though some Councillors have expressed an opinion that the ban should be implemented before those new planning documents are finalized. This is bad for business.

BACKGROUND

Members of Council first raised this matter during general Council discussions on the new Official Plan. Staff responded by retaining the environmental consulting firm Jacques Whitford (JW) to conduct a study of the proposal and to make recommendations on how Hamilton should regulate private waste management facilities.

The Jacques Whitford reports, and a staff recommendation for adoption of its recommendations, were placed on the agenda of the ED&P meeting on 27 November. The meeting was long on other matters and, when this item came up, the Committee decided not to proceed with the presentation on the JW report. Instead, the Committee passed a resolution reaffirming its intention to prohibit all new private waste management facilities, asking the staff to draw up the necessary OP, and zoning amendments. The Committee also asked for consultation with the City Solicitor to determine the legality of proceeding in this manner.

It should be noted that the Jacques Whitford (JW) report also contained some recommendations that would add barriers, such as an environmental impact assessment by the City, to new private waste management facilities but as the ED&P committee has decided not to proceed with the JW recommendations it is not necessary to address these aspects at this time.

A prohibition on new private waste management and recycling facilities would have a significant economic impact on the City of Hamilton. The waste management industry in the City currently includes about (40 companies), accounts for employment of at least (1500 people), and has annual revenues in excess of (\$100 million) [Note: all numbers in brackets are estimates - more precise numbers are currently being developed]. A prohibition on new facilities will mean that the industry declines. In addition, a refusal by Hamilton to accept new waste management and recycling facilities will have a significant impact on existing and new waste generators, potentially leading companies that generate waste materials to locate elsewhere. If, as we suspect, the City interprets a Council decision as applying to companies that manage waste on their own facilities and therefore require a Part 5 waste management approval from the Ontario Ministry of the Environment, then the economic impact on Hamilton will be devastating because these companies will not be able to locate in the City.

1/27/2009 10:46 AM

Even the idea that the City has chosen to ban private waste management facilities will mean that companies looking to locate in Hamilton will quickly realize that the City has a Council that is prone to making unwise decisions. Such companies will likely choose to locate elsewhere, in cities where their waste materials can be managed locally in an environmentally sound manner.

This matter is likely to come back to the ED&P Committee of Council in early February 2009.

It should also be noted that all companies generating and managing waste require a Certificate of Approval from the Ministry of the Environment. Without such an approval waste management companies are not permitted to operate anywhere in Ontario. No other city prohibits waste management companies within its boundaries.

There were no deputations scheduled to speak on this matter when it came before the ED&P Committee on 27 November. To assist the recommended actions below, Newalta is providing the funds to permit the Chamber to hold a consultation meeting with affected local companies at the end of January. It is anticipated that key points describing the impact of the City's proposed policy will be refined and enhanced with information provided by the companies present at that meeting

It is anticipated that the Staff Study Report back to Hamilton Council Committee of the Whole, requested November 27, will be scheduled for March 9, 2009. It is possible that the Interim Control By-Law that expires April 23 will be extended.

RECOMMENDATIONS

The Hamilton Chamber of Commerce recommends to the City of Hamilton:

- a) Reject the proposed "Blanket" prohibition on new or changes to existing waste management facilities as:
 - Any such "blanket bans" of legitimate business sectors is a bad precedent for business generally;
 - Any action relative to waste management facilities should apply equally to both the public and private sectors;
 - Arbitrarily banning all future facilities will damage the City's ability to execute sustainability initiatives; progressive environmental services providers can play an integral role in helping the City achieve its sustainable development objectives; and
 - Otherwise, the Chamber generally supports the recommendations of Jacques Whitford Report in principle and encourages its adaption.

From a draft submitted to the Chamber by: the Chamber's Environment and Energy Sub Committee of our Government Affairs Committee, January 29, 2009