



Municipalities & the Environment

Municipal Jurisdiction in Environmental Matters



Environmental
Law Centre

About the Environmental Law Centre



- The Environmental Law Centre (ELC) has been seeking strong and effective environmental laws since it was founded in 1982.
- The ELC is dedicated to providing credible, comprehensive and objective legal information regarding natural resources, energy and environmental law, policy and regulation in the Province of Alberta.
- The ELC's mission is to educate and champion for strong laws and rights so all Albertans can enjoy clean water, clean air and a healthy environment.
- Our vision is a society where laws secure an environment that sustains current and future generations.



Overview

- sources of municipal authority
- changes to *Municipal Government Act*
- municipal jurisdiction in environmental matters generally
- municipal jurisdiction in waste management matters
- future directions?
 - circular economy
 - extended producer liability



Sources of Municipal Jurisdiction

- municipalities are “creatures of statute”
- legislation governing municipalities
 - *Municipal Government Act*
 - others such as *Safety Codes Act*, *Historical Resources Act*



Changes to the Municipal Government Act (environmental only)

- *Municipal Government Act Amendment Act*
 - intermunicipal cooperation
 - petitions; public participation policy
- *Modernized Municipal Government Act*
 - added preamble mentioning “environment”
 - body of water = permanent and naturally occurring water body, or naturally occurring river, stream, watercourse or lake (ss. 1(1.2), 60, 640)
 - provide services in another municipality
 - brownfield tax incentives
 - conservation reserves, environmental reserves
 - intermunicipal development plans (mandatory in some cases); municipal development plans required



Changes to the Municipal Government Act (environmental only)

- *Act to Strengthen Municipal Government*
 - adds “foster well-being of environment” as a new municipal purpose
 - changes to Part 3, Division 7 which deals with revision and consolidation of bylaws
 - business improvement areas [not yet in force]
 - changes to petition requirements



Changes to the Municipal Government Act (environmental only)

- *City Charter Regulations (only Edmonton & Calgary)*
 - expands bylaw powers to include those for well-being of the environment, including programs for:
 - contaminated, vacant, derelict, under-utilized sites
 - climate change adaptation and GHG emission reduction
 - conservation and stewardship
 - protection of biodiversity and habitat
 - conservation and efficient use of energy
 - **waste reduction, diversion, recycling and management**
 - loans for energy conservation, energy efficiency
 - climate change mitigation and adaptation plans required
 - expanded purposes of Part 17 (planning and development) to include environment



Municipal Jurisdiction in Environmental Matters Generally

- limits of provincial authority over environment under *Constitution*
- *Municipal Government Act*
 - municipal purposes include “well-being of the environment”
 - bylaw powers include “safety, health and welfare of people”; nuisance
 - Edmonton and Calgary only: bylaw powers include well-being of the environment, including programs for waste reduction, diversion, recycling and management
- key cases delineating municipal authority



Municipal Jurisdiction in Waste Management Matters

- Definition of public utility under *Municipal Government Act* includes waste management system (ss. 1(1)(y), 616 (v))
- *Environmental Protection and Enhancement Act*, Part 9: Waste Minimization, Recycling and Waste Management
 - general provisions for waste minimization and recycling, waste, and hazardous waste
 - numerous regulations:
 - several product specific regulations (beverage containers, electronics, tires, paint, lubricating oil)
 - for municipalities, most relevant is *Waste Control Regulation*



Municipal Jurisdiction in Waste Management Matters

- *Waste Control Regulation*
 - addresses hazardous wastes, substances and recyclables (defines what is/not hazardous)
 - addresses non-hazardous waste as well
 - addresses waste management facilities, landfills and compost facilities
 - incorporates several Codes of Practice:
 - Compost facilities
 - Energy Recovery
 - Soil containing Hydrocarbons
 - Landfills
 - Small Incinerators
 - Numerous standards and guidelines exist for waste management facilities



Municipal Jurisdiction in Waste Management Matters

- Municipalities establish waste management systems via bylaw power under section 7 and 8 of the *Municipal Government Act* (general welfare, nuisance, public utilities)
- under *City Charter Regulations*, Edmonton and Calgary have specific authority to establish programs for waste reduction, diversion, recycling and management
- under the *Municipal Government Act*, several regulations to establish regional waste management commissions



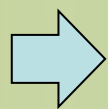
Future Directions

- Waste Reduction Measures
 - example: ban on single use plastic bags (Wood Buffalo)
 - enabled by municipal bylaw power (general welfare, well-being of environment, nuisance) under the *Municipal Government Act*
- Extended Producer Responsibility
 - product stewardship that establishes producers' responsibility for the end-of-life management of their products or packaging
- Circular Economy
 - example: *Waste-Free Ontario Act*
 - aims to eliminate waste throughout the lifecycles of products and packaging
 - minimize the use of raw materials and energy through a restorative system



Final Thoughts

- Municipalities have authority to deal with environmental matters
- Municipalities also have authority to engage in waste management practices
- Not a lot of direction under the *Municipal Government Act* on the nature of waste management programs (i.e. no set diversion rates, identification of recyclable materials etc.)
- The *Environmental Protection and Enhancement Act*, along with its regulations, codes of practice, guidelines, standards provides rules and guidance on the operation of waste management facilities AND establishes programs for certain materials (beverage containers, tires, electronics, lubricating oil, paint)



Waste reduction measures, extended producer responsibility programs, circular economy approach are possible future directions





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Building environment and conservation capacity for municipalities

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HOW COMMUNITY CONSERVE WORKS

Post
environmental issues/ideas



Municipal personnel post environmental issues or ideas from their municipality.

Vote
on issues/ideas



Other municipal personnel click on those issues or ideas they see in their municipality, too.

Plans
created from issues/ideas



The Community Conserve team converts the top-vote issues and ideas into action plans.

Co-fund
the plans



Municipalities fund only the action plans they want to, and share the cost with other municipalities.

Share
the results/products



All products are shared on the Community Conserve site, free of charge.

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Questions?

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