



July 3, 2021

**Sanjay Coelho**  
**Environmental Policy Branch**  
**Ministry of Environment, Conservation and Parks**  
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Toronto, Ontario  
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**RE: Land Use Compatibility Guideline (ERO 019-2785)**

The Hamilton Industrial Environmental Association (HIEA) is a non-profit association representing 14 industrial and manufacturing companies in the City of Hamilton. HIEA's mandate is to improve the local environment through partnerships with government, educational institutions, individual residents, and environmental groups. We also collaborate with our stakeholders to help understand environmental issues and to develop and implement sustainable programs and policies. HIEA members believe their organizations are not only a key contributor to both Hamilton and Ontario's economy, but also an essential part of the fabric of the community.

HIEA member companies provide employment for over 7,300 direct industrial and manufacturing positions as well as an estimated 56,000 indirect jobs in Hamilton and surrounding municipalities. Since its inception in 1998 HIEA and its membership has invested over \$1.1 billion in environmental capital expenses, contributed more than \$720 million in municipal property taxes, and contributed over \$1 million in community and educational activities in Hamilton.

HIEA's members have not only embraced and adopted a circular economy but practice it every day as part of their core business. HIEA members are part of an industrial ecosystem that reuses and recycles member companies' by-products and waste, recovering value and protecting the environment. HIEA and its members are committed to fostering a strong and sustainable future for the Province of Ontario, the City of Hamilton, and all its residents. The Ministry of Environment, Conservation and Parks (MECP) is proposing an updated Land Use Compatibility Guideline to help municipalities and planning authorities plan sensitive land uses and major facilities.

HIEA makes the following specific comments for the MECPs consideration:

- HIEA in general supports this initiative to potentially avoid the impacts of conflicting land uses that could protect existing facilities from the adverse effects of inappropriate rezoning, particularly for major industrial facilities. HIEA stresses the importance of the



preservation of employment lands and major transportation nodes/corridors that help ensure that industrial areas such as North Hamilton continue to grow and prosper in Ontario. HIEA is concerned that given the proximity of the North Hamilton industrial area to sensitive receptors, that new facilities may inadvertently be forced out of traditional industrial lands and into possible greenfield development. The MECP should clarify how planning authorities will encourage pre-consultation with proponents/stakeholders to identify potential land use compatibility constraints (i.e., major existing facilities). The guidance document should make clear that Section 1.5.3 Application under the *Planning Act* applies: *“Unless referenced under other applicable legislation, this Guideline does not apply when there are existing incompatible land uses (e.g., existing sensitive land uses too close to existing major facilities) and no Planning Act approval is being triggered.”*

- As a result, existing heavy industrial operation that also has historical development within its Area of Influence (AOI) or Minimum Separation Distance (MSD) (i.e., residential/sensitive receptors), which co-exist from before the establishment of land use guidelines, the guidance document should make clear that there will be no new restrictions or expectations placed on that industrial facility that limit development/expansion on their property of operation.
- The principle espoused under section 1.6.3: Existing Sensitive Land Uses and Major Facility Owners/Operators: Rules and expectations affecting the expansion of a facility should be maintained throughout the guidance document. Facility expansion should only trigger the rules and expectations if the physical footprint of the facility is expanding or changing.
  - If the facility is de-development or re-investing in new or modified production, equipment, or technologies, they should not be subject to additional regulatory burden as they are not changing the AOI or impact on surrounding land users.
  - The definition for “expanding major facility” should be clarified to mean only existing major facilities that are increasing the physical site footprint (i.e., purchasing new land), and not those that are upgrading or otherwise modifying their operations that exist on their site and do not change the classification of their facility.
- The major facility should not be expected to constantly monitor developments at the local level. The government should put the onus on developers to notify major facilities if any proposed developments fall within their operational AOI.
- All costs caused by a development’s incompatibility with a major facility’s AOI should be borne by the developer/proponent, including hiring consultants, monitoring development, creating ESDMs, etc.
- Section 3.3 At-Receptor Mitigation: It is noted that payment for mitigation measures, such as those proposed as examples, is often a discussion that is had between the major facility and a proponent for potential sensitive land use.



- If examples of noise mitigation, such as those listed are required, it is noted that this location should not be considered a viable location for sensitive land use.
  - HIEA is concerned that unless this proposal is properly administered that there will be undue financial burden on major facilities to accommodate incompatible land uses.
- Thank you for the opportunity to submit comments.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Geoffrey Knapper', is written over a white background.

Geoffrey Knapper, General Manager  
Hamilton Industrial Environmental Association