



Planning Justification Report

County of Simcoe Waste Management Official Plan Policies

County of Simcoe

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Executive Summary

Skelton Brumwell & Associates Inc. was retained by the County of Simcoe to provide consulting services for the updated County of Simcoe Waste Management Policies. This Planning Justification Report supports a County Official Plan Amendment for lands encompassing the entire County.

The County of Simcoe adopted a Solid Waste Management Strategy in 2010 that provides the framework for the County's waste disposal options and diversion programs. Guided by the Strategy, the County is working to further these options and programs by approaching waste management as a "system" comprised of landfilling (i.e. permanent storage of waste) and non-landfilling activities (i.e. transfer stations, recycling facilities and organics processing facilities).

Currently, to facilitate the expansion of a waste transfer site with non-filling activities, an amendment would be required to the County Official Plan along with amendments to a local municipality's Official Plan and Zoning By-law.

To alleviate the burden of undertaking an Official Plan amendment at the upper and lower tier for non-landfilling activities, the County is proposing policy amendments to Section 4.9 Waste Management of the County Official Plan. The proposed modifications will introduce a systems approach to waste management in the County, differentiate landfilling and non-landfilling activities, clarify language associated with D-4 Assessment Areas and D-4 studies, and update associated map schedules.

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Planning Justification Report

1.0 Introduction

1.1 Summary of Proposal

The County of Simcoe, in reviewing existing operations and new initiatives for diversion, has identified that there was a need for a County-wide Official Plan Amendment regarding waste management policies. In particular, recognising waste management systems and permitting a broader scope of waste diversion activities taking place at County operated waste management facilities were identified for inclusion in a County Official Plan Amendment.

The County of Simcoe adopted a Solid Waste Management Strategy in 2010 that provides the framework for the County's waste disposal options and diversion programs. Guided by the Strategy, the County is working to further these options and programs by approaching waste management as a "system" comprised of landfilling (i.e. permanent storage of waste) and non-landfilling activities (i.e. transfer stations, recycling facilities and organics processing facilities).

Currently, to facilitate the expansion of a waste management site with no filling activities, an amendment would be required to the County Official Plan along with amendments to local municipality's Official Plan and Zoning By-law.

To alleviate the burden of undertaking an Official Plan amendment at the upper and lower tier for non-landfilling activities, the County is proposing policy amendments to Section 4.9 Waste Management of the County Official Plan. The proposed modifications will introduce a systems approach to waste management in the County, differentiate landfilling and non-landfilling activities, clarify language associated with D-4 Assessment Areas and D-4 studies, and update associated map schedules.

This Report provides our planning review and opinion with respect to the proposed County Official Plan Amendment to implement new waste management policies throughout the County.

1.2 Location & Surrounding Context

The proposed Official Plan Amendment applies to all lands in the County of Simcoe.

The County of Simcoe is an upper-tier municipality comprised of 16 lower-tier municipalities, including:

- Adjala-Tosorontio
- Bradford West Gwillimbury
- Clearview
- Collingwood
- Essa
- Innisfil
- Midland
- New Tecumseth
- Oro-Medonte
- Penetanguishene
- Ramara
- Severn
- Springwater
- Tay
- Tiny
- Wasaga Beach



Figure 1 County of Simcoe (Simcoe Public GIS)

1.3 Objectives

To guide the policy review and proposed amendments, the following objectives were established:

- To recognize that waste management has evolved since the County Official Plan policies were first developed and that waste diversion is now a major component of operations;
- To provide maximum flexibility for waste management operations and activities at all County waste management sites;
- To continue to distinguish between various waste management activities, including active and non-active landfill activities, for the purposes of the application of the D-4 policies;
- To allow for the establishment and relocation of non-landfilling related waste management activities such as transfer, recyclable materials, and organics processing on County waste management sites without the necessity of individual official plan amendments; and,
- To provide consistency in the policy approach and related definitions for waste management activities.

In order to achieve these objectives, a proposed County Official Plan Amendment was prepared for further consideration by County solid waste management and planning staff. That amendment was reviewed with planning staff, and further revisions to the policies were discussed and formulated.

2.0 Background

2.1 Pre-Consultation Summary

A Pre-Consultation meeting was held on September 13, 2019 at the County's Administrative Centre with the Ministry of Municipal Affairs and Housing and Ministry of Environment, Conservation and Parks. Ministry of Municipal Affairs and Housing is the approval authority for County Official Plan Amendments.

At this time, it was identified that the County's current Official Plan policies for Waste required updating so that duplication in the planning process could be reduced and a waste management systems approach could be implemented.

2.2 Previous Consultation

Beginning in 2015, there has been a range of consultations which underscored the need for a County Official Plan Amendment.

In 2016, the County updated its Solid Waste Management Strategy (SWMS) which included development of recommendations related to improving diversion at County waste management facilities. There was a public consultation component as well as consultation with other levels of government and agencies.

County staff have also participated in numerous Ministry of the Environment, Conservation and Parks consultation sessions, Association of Municipalities of Ontario, and other industry information sessions to learn more about the potential impacts of the new *Waste Free Ontario Act*. The County provided information to County Council regarding the new legislation, as identified in its 2018 Solid Waste Management Strategy Annual Report.

2.3 Provincial Initiatives

A range of recent provincial legislation and initiatives have directed authorities responsible for solid waste to expand their approach in terms of reduction, diversion, and management of resources.

The *Planning Act*, Provincial Policy Statement, Food and Organic Waste Policy Statement, Provincial land use plans, *Waste Free Ontario Act*, *Waste Diversion Transition Act*, the Made-in-Ontario Environment Plan, and Reducing Litter and Waste in Our Communities: Discussion Paper all informed the need for the proposed County-wide Official Plan Amendment.

Siting and development of waste management infrastructure also involves other Provincial approvals including the *Environmental Assessment Act* specifically Ontario Regulation 101/07 (Guide to Environmental Assessment Requirements for Waste Management Projects), *Environmental Protection Act* specifically Ontario Regulation 347 (General Waste Management), Ontario Regulation 419/05 (Air Pollution – Local Air Quality), and *Ontario Water Resources Act*.

Waste management is a complex system encompassing many areas, including environmental protection, government regulation, waste collection, waste reduction and recycling, management of materials, and public education. It is the responsibility of the County of Simcoe to collect waste, organics, and recycling.

3.0 Proposal

3.1 Blackline OPA Text and Explanatory Notes

4.9 Waste Management

The policies of this Section relate to *waste* management practices and their relationship to land use.

Objectives

4.9.1

To provide *waste management sites* that are of appropriate size and type to accommodate present and future requirements as part of the *County's waste management system* and to facilitate, encourage, and promote reduction, reuse, and recycling objectives.

Explanatory Text

The term *waste management sites* is italicized to indicate a defined term and waste management sites are added to recognize that the objective applies to both aspects of waste management operations. The distinction between sites which incorporate landfilling, and those which do not is not necessary at this point. It is incorporated in the definition and in the relevant policies where required. Landfilling is treated as one of the activities which may or may not take place at an individual waste management site. The use of the term waste management site rather than adding additional terms, such as waste disposal facility, is preferred since it avoids confusion in relation to the defined terms under relevant legislation and minimizes the utilization of duplicative terms and definitions. The term *waste management systems* is also italicized to indicate a defined term referring to a collection of waste management sites.

4.9.2

To protect the health, safety and welfare of residents from the potential adverse effects of *waste management activities* conducted at *waste management sites* by restricting or controlling *development* in the vicinity of such sites.

Explanatory Text

As the term *waste management activities* is not a defined term, the inclusion of the term *waste management sites* assists in relating the objective to a defined term and activity and provides consistency. The word *convenience* is removed as it is not relevant to, nor does it inform, the policy.

Policies

Regulation of Waste Management Sites

4.9.3 The County of Simcoe will ensure environmental protection is balanced with economic viability at operating and future solid *waste management sites* for which the *County* is responsible. The *County* will continue to maximize the utility of approved *waste* capacity at its facilities while operating the site in accordance with the relevant *provincial* Environmental Compliance Approval and work to develop safe engineered disposal capacity for the residents of the County of Simcoe. The *County* will strive to maximize *waste* diversion over disposal where viable markets are available.

4.9.4 The *County* will continue to develop a *waste management system* in accordance with the County of Simcoe Waste Management Strategy or its successor to address permanent *waste* disposal (landfilling) and resource recovery activities (non-landfilling) such as transfer stations, recycling facilities and organics processing facilities. *County waste management sites* may contain a landfilling or non-landfilling activity or a combination of activities. *Waste* management solutions in which the *County* takes responsibility for its own *waste* are preferred where practical.

Explanatory Text

The amendment provides support for a broader range of activities at waste management sites and recognizes that such activities may occur both at operating and non-operating landfills as well as potential sites where no landfill exists (sites developed specifically for waste diversion or sites where the landfill may have been removed). A distinction between waste management sites with landfill and those without landfill activities is not required in this policy.

4.9.5 The *Environmental Protection Act* and the associated regulations and Environmental Compliance Approval regulate, on a site specific basis, the activities and operation of the *waste management system* and *waste management sites* and their rehabilitation and closure, and this legislation shall be referred to in conjunction with the *Planning Act* to achieve the objectives of this *Plan*.

4.9.6 The *County* is responsible for the development, operation, monitoring, maintenance, and rehabilitation of the *County* owned and operated *waste management system* and *waste management sites*, in accordance with applicable legislation.

4.9.7 Local *municipalities* are responsible for the monitoring, maintenance, and rehabilitation of *local municipality* owned *waste management sites*, in accordance with applicable legislation.

4.9.8 The private owner is responsible for the development, operation, monitoring, maintenance, and rehabilitation of privately owned and operated *waste management sites*, in accordance with applicable legislation.

4.9.9 Notwithstanding any policies herein, *waste management sites* will be established in accordance with the *Environmental Assessment Act* and the *Planning Act* and will be operated in accordance with the *Environmental Protection Act* and the Environmental Compliance Approval for the *waste management site*.

New Waste Management Site or Expansion of an Existing Waste Management Site

4.9.10 Notwithstanding sections 3.3.6 and 3.8.19 of this *Plan*, any new *waste management sites* or expansions of an existing *waste management site* for the purposes of landfilling will require an amendment to this *Plan* and to the *local municipal* official plan.

A new *waste management site* or the expansion of an existing *waste management site* for the purposes of non-landfilling activities including, but not limited to, the transfer of materials, management of recyclable materials, or processing of organics, will not require an amendment to this *Plan*. An amendment to the *local municipal* official plan may be required for a new *waste management site* or expansion of an existing *waste management site* of the purposes of non-landfilling activities.

New or expanded non-landfilling *waste management sites* will be identified on appropriate mapping schedules without an amendment to this *Plan*.

Explanatory Text

This new section maintains the requirement for a County amendment to allow for any new waste disposal site in which landfilling is to occur or for the expansion of an existing site for the purposes of landfilling. However, to facilitate a wide range of non-filling waste

management activities, the requirements are streamlined to require only a local official plan amendment for the establishment of a new site, or the expansion of an existing site for those non-landfilling activities. This recognizes that those non-filling activities have less potential impact and are still subject to a range of studies and approval requirements prior to being established. Those new or expanded sites would be incorporated into the County Official Plan in regular mapping updates which are informational in nature and do not require an official plan amendment. There are also a range of provincial approvals, such as ECA requirements, with respect to the establishment and expansion of waste management sites, so it is appropriate to require only a local municipality official plan amendment for non-landfilling activities.

Mapping of Waste Management Sites

4.9.11 The locations of *County*-owned and operated *waste management sites* are shown on Schedule 5.6.1. The boundaries of *County* owned and operated *waste management sites* are the property boundary of the lands owned by the *County* on which *waste management site* activities occur.

Explanatory Text

This section retains the original intent of Section 4.9.17 with respect to the lack of an amendment requirement where the appropriate provincial ministry has approved the deletion of a waste disposal site.

The locations of private and *local municipality* owned or operated *waste management sites* are shown on Schedule 5.6.2. The locations of all *waste management sites* within each *local municipality* will be mapped in the respective *local municipal* official plans.

Where the applicable *provincial* ministry approves the addition or removal of a *waste management site* from the schedules to this *Plan*, amendments to this *Plan* and to the *local municipal* plan are not required.

Explanatory Text

This amendment reflects the need for the boundary of waste management sites to be illustrated, not just the fill area. The identification of the boundaries of the waste

management site ensures that it is clear that all waste disposal site activities, including waste transfer facilities etc., can occur on the site. The extent of the Fill Area can be illustrated for informational purposes to assist with fulfillment of D-4 Assessment area policies, but suggested policy does not require an amendment to the Plan for updating such information. This section is given its own heading since, while it relates to D-4 assessments, it also establishes policy with wider applicability.

D-4 Assessment Areas

4.9.12 The recognized best practice to regulate land use on or near *waste management sites* is the *Province's Guideline D-4* which provides that generally an area within 500 metres of a *Fill Area* on a *waste management site* is the area in which landfill-related impacts may be present. This area is known as the *D-4 Assessment Area*. Accordingly, the default *D-4 Assessment Area* is 500 metres calculated from the property line of the *waste management site* where the *Fill Area* is unknown or from the *Fill Area* where the extent of *waste* is known.

Explanatory Text

The D4 assessment area is intended to apply to active and inactive Fill Areas. Where a site is active the D4 assessment area is measured from the property line to ensure that the potential Fill Area of the site is considered in the assessment. Where a site is closed, and the Fill Area is static and known, the assessment area is measured from the boundary of the Fill Area. Since a range of waste disposal activities may occur on a waste management site and these activities may also have land use compatibility considerations, separate policy is established for these purposes in following sections.

4.9.13 The *Guideline D-4* allows for the *D-4 Assessment Areas* to be varied where the actual influence area of the *waste management site* has been determined to be less than 500 metres. The *D-4 Assessment Area* may be reduced to coincide with the actual influence area. Where significant impacts are encountered beyond 500 metres the *D-4 Assessment Area* may be extended beyond the 500 metres.

4.9.14 The *County* will determine the *D-4 Assessment Areas* for *County* owned or operated *waste management sites* with a *Fill Area* in consultation with the applicable *provincial* ministry. For private and

local municipality owned or operated *waste management sites* the *local municipality* will determine the *D-4 Assessment Area* in consultation with the applicable *provincial* ministry. All *D-4 Assessment Areas* within each *local municipality* will be mapped in the respective *local municipal* official plans. These *D-4 Assessment Areas* will be shown on a map to be prepared by and available from the *County* for information purposes only. The *County* will update the map from time to time as information changes or new *D-4 Assessment Areas* are determined in accordance with this *Plan*.

4.9.15 In order to alter the *D-4 Assessment Area* in the *local municipal* official plan, an *Assessment Area Environmental Study* taking into consideration the applicable factors in the *Guideline D-4* will be prepared by a *Qualified Person*, in consultation with the applicable *provincial* ministry, and will be peer reviewed as determined necessary by the *D-4 Approval Authority*. In the alternative, where current information exists to demonstrate there are no landfill-related impacts associated with the closed sites, the *D-4 Assessment Area* may be reduced without the need for an *Assessment Area Environmental Study*, in consultation with the applicable *provincial* ministry. No amendment to this *Plan* is required; rather a *local municipal* official plan amendment is required to alter a *D-4 Assessment Area*.

4.9.16 *Sensitive land uses* shall normally not be permitted in the *D-4 Assessment Area* of an active *waste management site* which incorporates a *Fill Area*. However, this shall be considered on a site-by-site basis in accordance with the results of investigations undertaken in accordance with policy 4.9.17.

Explanatory Text

While it is preferred that appropriate separations be established and maintained for sensitive land uses, there are circumstances in which this is not feasible. This amendment provides for such situations where the results of a D4 assessment supports a lesser separation.

4.9.17 Where *development* is proposed within the *D-4 Assessment Area* of a *County* owned *waste management site* which incorporates a *Fill Area*, or where the *County* is the *D-4 Approval Authority*, *D-4 Studies* will be required and peer reviewed. Any proposed conditions including mitigation and monitoring will be subject to the approval of the appropriate *County* staff and implemented accordingly. Where appropriate, the *County* may scope the *D-4 Study* in accordance with the requirements of the *Guideline D-4* and any other applicable *provincial* standards or regulations.

Explanatory Text

This amendment allows for appropriate scoping of the D-4 Study to reflect the particular circumstances of any particular waste management site and the activities which take place, have taken place, or are intended to take place on that site.

4.9.18 Where *development* is proposed within the *D-4 Assessment Area* of a private or *local municipality* owned *waste management site*, the *local municipality* will determine the need for *D-4 Studies* and peer reviews, and the implementation of the proposed conditions including mitigation and monitoring will be determined by the *local municipality* and policies addressing the implementation options will be contained in the *local municipal* official plan.

Land Use Compatibility Study

4.9.19 Where *development* is proposed in the vicinity of a *waste management site* which does not contain landfilling activities or a *waste management site* with non-landfilling activities occurring outside of the *Fill Area*, a land use compatibility study may be required. The details of the study shall determine any potential land use conflicts with the proposed *development* and planned or ongoing *waste management site* activities including, but not limited to, ground and surface water, noise, odour, dust, traffic and other relevant land use considerations in consultation with the *County*. If a *D-4 Study* is required for the same proposal, the details of the non-landfilling activities shall be addressed in the *D-4 Study*.

Explanatory Text

A range of waste management system or waste management site activities may occur on a particular waste management site. These may or may not include a Fill Area. The D4 requirements apply to waste disposal sites with Fill Areas. The other activities which may occur on a site may however also create land use compatibility considerations. It is therefore desirable to establish policy which requires a land use compatibility assessment. Since the nature of the activities and potential impacts are highly variable it is appropriate to allow significant flexibility in this requirement and have the nature of the study be determined in consultation with the County. Where a waste management site has Fill Area, and therefore a D4 assessment area, as well as other waste management activities, it is appropriate to allow for a consolidated study.

BUFFER AREA for the purposes of waste management means the area adjacent to the *Fill Area* in which only *waste management site* uses other than landfilling may occur. Generally, the minimum distance for a buffer zone is 30 meters but can be extended to 100 meters or more at the discretion of the owner and operator of the *waste management site* or at the direction of the applicable *provincial* ministry.

Explanatory Text

This amendment more clearly establishes the permitted uses in a buffer area. The original policy suggested that any use not directly related to waste disposal (as distinct from waste diversion) would not be permitted to occur in the buffer area. This means that waste diversion activities would have to be located outside buffer areas. The policy has been revised to state that waste diversion activities are clearly an acceptable use.

D-4 APPROVAL AUTHORITY for all *County* owned or operated *waste management sites* with *Fill Areas*, the *County* is the *D-4 Approval Authority*. For all private and *local municipality* owned or operated *waste management sites*, the *local municipality*, within which the property is located, is the *D-4 Approval Authority*.

D-4 ASSESSMENT AREA refers to the lands generally within 500 metres of the *Fill Area*, or more specifically, the area shown on the applicable schedules in the *local municipal* official plans. The *D-4 Assessment Area* may vary according to the actual *waste* cell location, depth and type of *waste* and existing conditions. The *County* will also prepare and make available for information purposes, a map showing the *D-4 Assessment Areas* for *waste management sites* containing a *Fill Area*.

D-4 STUDY is a study required to evaluate the presence and impact of any adverse effects or risks to health and safety and any necessary remedial measures necessary for a proposed *development* in compliance with the *Guideline D-4* including, but not limited to, ground and surface water (hydrogeology and hydrology), noise, odour, and dust, methane gas migration, traffic impact, land use compatibility, and other studies considered appropriate.

FILL AREA means the area of a *waste management site* for landfilling purposes.

GUIDELINE D-4 means the *provincial Guideline D-4*, as amended and any successor guideline or legislation.

INFRASTRUCTURE means physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, *waste management systems*, electricity generation facilities, electricity transmission facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Explanatory Text

This amendment recognizes waste management systems as a defined term through italicizing the term and to add waste disposal sites to explicitly recognize those sites as infrastructure as defined in the Provincial Policy Statement 2014 and the Growth Plan 2019.

WASTE includes ashes, garbage, refuse, domestic *waste*, industrial *waste*, or municipal refuse, and such other materials as are designated in the regulations of the *Environmental Protection Act*. For the purposes of this *Plan*, *waste* does not include liquid waste other than the capture and treatment of leachate.

Explanatory Text

The amended definition recognizes the intended jurisdiction of the waste management responsibilities and policies of the County which does not include the management of municipal wastewater systems.

WASTE MANAGEMENT SITE means a site and facilities to accommodate solid *waste* from one or more municipality and includes recycling facilities, transfers stations, processing sites and disposal sites. This may also include the *Fill Area* and the *Buffer Area* of a property which has been or is suspected to have been used as a landfill. A *waste management site* may include:

- (a) any land upon, into or through which, or building or structure in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed; and

(b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clause (a).

A *waste management site* may include non-landfilling and/or landfilling activities.

Explanatory Text

The definition was not consistent with the *Environmental Protection Act*, R.S.O. 1990, c. E.19, and the initial component of the definition was overly restrictive limiting the definition to landfill activities and placing an emphasis on landfilling activities. Reference specifically to the Buffer Area and Fill Area in the case of landfilling sites, is more appropriately made following broader definition as a further clarification. This ensures that the reader more clearly understands the broader nature of a waste management site in relation to the activities which may occur and accurately reflects the variety of uses which may occur at a waste management site. The definition includes a statement identifying that a landfill site may include a range of activities including non-landfill and/or landfill based activities. The definition should also include a reference to the boundary of the site to reinforce the policies regarding the location and boundary of waste disposal site activities. This updated definition is also derived from the PPS definition of Waste Management System.

WASTE MANAGEMENT SYSTEM means a collection of *waste management sites*.

Explanatory Text

This definition is added to define a term referred to repeatedly in the objectives and proposed policies and to assist in providing for waste management activities beyond those dealing with the fill area. It is also a new definition in the PPS, so it was appropriate to include in the new policies.

4.0 Planning Analysis

4.1 Policy Context

In Ontario's hierarchical, policy-led planning framework, land use planning matters are guided by a series of policies, plans, and regulations. The *Planning Act* forms the basis of the planning system. Pursuant to the *Planning Act*, the Provincial Policy Statement (PPS) was issued and all

planning decisions must be consistent with the PPS. The PPS is currently being reviewed and updated. Other policy statements which impact waste management planning include the Food and Organic Waste Policy Statement, 2018, issued on April 30, 2017 under Section 11 of the *Resource Recovery and Circular Economy Act*, 2016. Provincial land use plans have been issued under legislation such as the *Places to Grow Act*, 2005, *Greenbelt Act*, 2005, *Oak Ridges Moraine Conservation Act*, 2001, and *Niagara Escarpment Planning and Development Act*, 1990. The Provincial Plans were recently subject to a Co-ordinated Land Use Planning Review which substantially updated and streamlined the Plans in 2017. A Place to Grow: Growth Plan for the Greater Golden Horseshoe was also recently amended in 2019. Planning decisions must conform to the Provincial Plans, and municipal Official Plans and Zoning By-laws must also conform to the Plans.

The siting and development of waste management infrastructure also involves other Provincial approvals, including the *Environmental Assessment Act* (specifically, O. Reg. 101/07, Guide to Environmental Assessment Requirements for Waste Management Projects), the *Environmental Protection Act* (specifically O. Reg. 347, General Waste Management; and O. Reg. 419/05, Air Pollution – Local Air Quality), and the *Ontario Water Resources Act*.

Other applicable Provincial legislation and initiatives related to waste management include: *Waste-Free Ontario Act*, 2016, *Waste Diversion Transition Act*, 2016, the Made-in-Ontario Environment Plan, 2018, and Reducing Litter and Waste in Our Communities: Discussion Paper, 2019.

In 2010, the County of Simcoe approved a 20-year Solid Waste Management Strategy. The strategy outlines waste management initiatives related to increased diversion and management of existing landfill sites. Within this strategy, Council's directed that no new landfills be opened in the County and the last open-operational landfill is projected to close in 2029.

4.1.1 Planning Act, RSO 1990

The *Planning Act* is a key piece of legislation governing land use planning in the Province.

Planning authorities must have regard for matters of Provincial interest pursuant to the *Planning Act*, which include:

- (a) *the protection of ecological systems, including natural areas, features and functions;*
- (b) *the protection of the agricultural resources of the Province;*
- (c) *the conservation and management of natural resources and the mineral resource base;*
- (d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) *the supply, efficient use and conservation of energy and water;*

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and **waste management systems**;*
- (g) the **minimization of waste**;*
- (h) the orderly development of safe and healthy communities;*
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) the co-ordination of planning activities of public bodies;*
- (n) the resolution of planning conflicts involving public and private interests;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

The proposed Official Plan Amendment has regard for these matters of provincial interest, specifically the adequate provision and efficient use of waste management systems and the minimization of waste.

4.1.2 Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), which is issued under the authority of section 3 of the *Planning Act*, provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development and building healthy communities, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Planning decisions “shall be consistent with” the PPS.

Section 1 Building Strong Healthy Communities

1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary **infrastructure**, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The County-wide Official Plan Amendment will help to ensure that necessary infrastructure will be available to meet current and projected needs, in support of healthy, livable, and safe communities.

1.2.1 *A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:*

- a) managing and/or promoting growth and development;*
- b) economic development strategies;*
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;*
- d) infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and **waste management systems**;*
- e) ecosystem, shoreline, watershed, and Great Lakes related issues;*
- f) natural and human-made hazards;*
- g) population, housing and employment projections, based on regional market areas; and*
- h) addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement.*

The County-wide Official Plan Amendment represents a coordinated approach to dealing with planning matters across lower-tier municipal boundaries, including infrastructure and waste management systems.

1.6.1

***Infrastructure**, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs. Planning for **infrastructure**, electricity generation facilities and transmission and distribution systems, and*

public service facilities shall be coordinated and integrated with land use planning so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b) available to meet current and projected needs.*

1.6.3

*Before consideration is given to developing **new infrastructure** and public service facilities:*

- a) the use of **existing infrastructure** and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

The proposed Official Plan Amendment supports the policy direction to provide infrastructure, including waste management systems, so that necessary waste management systems will be available to meet current and projected needs. By further expanding the range of non-filling activities at waste management sites, existing infrastructure can be optimized and new infrastructure for filling and non-filling activities can be developed at an appropriate rate.

1.6.10 Waste Management

1.6.10.1 Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion. **Waste management systems** shall be located and designed in accordance with provincial legislation and standards.

The proposed Official Plan Amendment supports the policy direction to provide waste management systems of an appropriate size and type to accommodate “*present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.*” By supporting a broader range of activities at waste management sites, the County’s waste management system will be able to support present and future requirements arising from population growth and increased demand for services.

The Provincial Policy Statement is currently being reviewed and proposed updates are included in Section 1.6.10 with regard to waste management. Essentially the change is that the following text is deleted from the second last sentence of 1.6.10.1: “*Planning authorities should consider the implications of development and land use patterns on waste generation, management, and diversion.*” The rest of the policy remains the same.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, **waste management systems**, electricity generation facilities,

electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Major facilities: *means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, **waste management systems**, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.*

Waste management system: *means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.*

Waste management systems are considered to be major facilities and infrastructure, and as such, may require separation from sensitive land uses. Updated policies for D-4 Assessment Areas and compatibility studies will ensure that land uses are regulated near waste management sites that contain fill areas (i.e. areas containing waste).

4.1.3 Food and Organic Waste Policy Statement, 2018

The Food and Organic Waste Policy Statement furthers provincial interest in waste reduction and resource recovery, and “focuses on waste reduction and resource recovery through preventing and reducing food waste, effectively and efficiently collecting and processing food and organic waste, and reintegrating recovered resources back into the economy.”

The Policy Statement provides the Ontario Food Recovery Hierarchy, which prioritizes reducing food waste at the source, feeding people, and recovering resources to develop end products for beneficial uses. A number of targets are set out in the Policy Statement for waste reduction and resource recovery of food and organic waste generated by single-family dwellings in urban settlement areas by 2025, among other areas such as multi-residential buildings and industrial and commercial facilities.

By expanding the range of waste management activities taking place at waste management facilities in the County of Simcoe, the proposed Official Plan Amendment supports the goals and targets of the Food and Organic Waste Policy Statement.

4.1.4 Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe, 2019, provides policy direction for growth management, integrated planning for land use and infrastructure, and protecting valuable resources including natural heritage systems and agricultural lands. It builds on the PPS to

promote development of compact, complete communities with a range and mix of land uses, housing types, employment, and parks and public service facilities. It also supports development of healthy, viable rural areas while protecting natural heritage systems and agricultural resources.

Section 3 Infrastructure to Support Growth

3.2.1 Integrated Planning

- 1. Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.*
- 2. Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:
 - a) leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;*
 - b) providing sufficient infrastructure capacity in strategic growth areas;*
 - c) identifying the full life cycle costs of infrastructure and developing options to pay for these costs over the long-term; and*
 - d) considering the impacts of a changing climate.**
- 3. Infrastructure investment and other implementation tools and mechanisms will be used to facilitate intensification and higher density development in strategic growth areas. Priority will be given to infrastructure investments made by the Province that support the policies and schedules of this Plan.*
- 4. Municipalities will assess infrastructure risks and vulnerabilities, including those caused by the impacts of a changing climate, and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning.*
- 5. The Province will work with public sector partners, including Metrolinx, to identify strategic infrastructure needs to support the implementation of this Plan through multi-year infrastructure planning for the transportation system and public service facilities.*

The proposed County Official Plan Amendment represents a coordinated, integrated approach to infrastructure planning, as waste management systems are considered to be infrastructure. Such infrastructure will support anticipated growth and associated waste management needs in the County.

Section 4 Protecting What is Valuable

4.2.9 A Culture of Conservation

- 1. Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:*

*d) **integrated waste management**, including through:*

- i. enhanced waste reduction, composting, and recycling initiatives, and the identification of new opportunities for energy from waste, source reduction, reuse, and diversion, where appropriate;*
- ii. a comprehensive plan with integrated approaches to waste management, including reduction, reuse, recycling, composting, diversion, and disposal of residual waste;*
- iii. promotion of building conservation and adaptive reuse, as well as the reuse and recycling of construction materials; and*
- iv. consideration of waste management initiatives within the context of long-term regional planning, and in collaboration with neighbouring municipalities.*

The proposed policy framework for solid waste management in the County of Simcoe reflects an integrated waste management approach which includes non-landfilling activities such as enhanced waste reduction, composting, and recycling initiatives; alignment with the County's comprehensive Solid Waste Management Strategy; and consideration of waste management initiatives within the context of long-term regional planning.

Infrastructure: *Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, **waste management systems**, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities. (PPS, 2014)*

Waste management systems are considered to be an important part of municipal infrastructure to support development and growth. The proposed Official Plan Amendment will provide for the establishment of new waste management sites or expansions to existing waste management sites both for non-filling activities through a local municipality official plan amendment as well as in accordance with provincial guidelines and legislation.

4.1.5 County of Simcoe Official Plan

An upper-tier Official Plan is a municipal policy document that guides decisions on land use and development at a regional level. It sets out the vision, goals, and objectives for the municipality, and provides broad direction on matters such as growth management, infrastructure, protecting natural resources, employment lands, housing, natural hazards, parks, and transportation. The Official Plan must be consistent with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and other provincial plans and strategies. The Official Plan outlines broad land use designations and policies, and maps out a land use structure across the region.

The County of Simcoe Official Plan contains policies in Section 4.9 regarding Waste Management, which is proposed to be amended in order to facilitate a wider range of activities

on waste management sites. Section 3 (Proposal) of this report provides an outline of proposed new policies along with explanatory text which details the rationale for proposed updates to the policies.

4.1.6 Other Plans, Strategies, and Studies

The County of Simcoe currently has a Waste Management Strategy, originally approved in 2010, and the proposed Official Plan Amendment outlines in policy 4.9.3 that “...the County has and will continue to develop a waste management system in accordance with the County of Simcoe Waste Management Strategy or its successor.”

The Solid Waste Management Strategy (SWMS) was updated in 2016, and final recommendations and initiatives were outlined in a report dated July 27, 2016. Strategies and recommendations were provided for garbage disposal and mixed waste processing, garbage collection, curbside and facilities diversion, and reduction and reuse. Public consultation also played a role in identification of directions and recommendations for solid waste management.

By permitting a wider range of non-filling activities at waste management sites with only a local municipality official plan amendment (and other required provincial approvals), this proposed County Official Plan Amendment will further support diversion opportunities at County waste facilities in accordance with the updated SWMS.

4.2 Planning Opinion

As outlined in Section 4 (Planning Analysis) of this Planning Justification Report, the proposed changes to the County of Simcoe Official plan policies regarding Waste Management conform and are consistent with the applicable provincial legislation and provincial plans. The proposed changes are in keeping with the intent of the County of Simcoe Official Plan.

5.0 Recommendations & Conclusion

Based on an analysis of the policy context for the proposed Official Plan Amendment, it is our opinion that the proposed Official Plan Amendment is consistent and conforms with the applicable Provincial plans and policies, and meets the policies and general intent of the Official Plan.

6.0 Disclaimer of Responsibilities to Third Parties

This report was prepared by Skelton, Brumwell & Associates Inc. for the account of The County of Simcoe.

The material in it reflects Skelton, Brumwell & Associates Inc.'s best judgement in light of the information available to it at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties.

Skelton, Brumwell & Associates Inc. accepts no responsibility for damages, if any, suffered by a third party as a result of decisions made or actions based on this report.

All of which is respectfully submitted,
SKELTON, BRUMWELL & ASSOCIATES INC.
per:



Leah Quin, BES
Planner



Michael Wynia, RPP
Partner, Sr. Ecologist & Planner

Appendix A

Proposed Policy Changes – Tracked Changes

4.9 Waste Management

The policies of this Section relate to waste management practices and their relationship to land use.

Objectives

4.9.1

To provide ~~waste management systems and waste management sites~~ that are of appropriate size and type to accommodate present and future requirements as part of the County's waste management system and to facilitate, encourage, and promote reduction, reuse, and recycling objectives.

4.9.2

To protect the health, safety, ~~convenience,~~ and welfare of residents from the potential adverse effects of waste management activities conducted at waste management sites by restricting or controlling *development* in the vicinity of such sites.

Policies

Regulation of Waste ~~Disposal~~Management Sites

4.9.3 The County of Simcoe will ensure environmental protection is balanced with economic viability at operating and future solid waste ~~disposal~~management sites for which the County is responsible. The County will continue to maximize the utility of approved waste capacity at its facilities while operating the site in accordance with the relevant ~~provincial Ministry of the Environment~~ Environmental Compliance Approval and work to develop safe engineered disposal capacity for the residents of the County of Simcoe. The County will strive to maximize waste diversion over from disposal where viable markets are available.

4.9.4 The County will continue to develop a waste management system in accordance with the County of Simcoe Waste Management Strategy or its successor to address permanent waste disposal (landfilling) and resource recovery activities (non-landfilling) such as transfer stations, recycling facilities and organics processing facilities. County waste management sites may contain a landfilling or non-landfilling activity or a combination of activities. Waste disposal/management solutions in which the County takes responsibility for its own waste are preferred where practical.

4.9.54 The *Environmental Protection Act* and the associated regulations and Environmental Compliance Approval regulate, on a site specific basis, the activities and operation of the waste management system and ~~a waste disposal/management sites~~ and ~~its their~~ rehabilitation and closure, and this legislation shall be referred to in conjunction with the *Planning Act* to achieve the objectives of this *Plan*.

4.9.65 The County is responsible for the development, operation, monitoring, maintenance, and rehabilitation of the County owned and operated waste management system and waste ~~disposal/management~~ sites, in accordance with applicable legislation.

4.9.76 *Local municipalities* are responsible for the monitoring, maintenance, and rehabilitation of *local municipality* owned waste ~~disposal/management~~ sites, in accordance with applicable legislation.

4.9.87 The private owner is responsible for the development, operation, monitoring, maintenance, and rehabilitation of privately owned and operated waste ~~disposal/management~~ sites, in accordance with applicable legislation.

4.9.98 Notwithstanding any policies herein, waste *disposal/management* sites will be established in accordance with the *Environmental Assessment Act* and the *Planning Act* and will be operated in accordance with the *Environmental Protection Act* and the Environmental Compliance Approval for the waste *disposal/management* site.

New Waste Management Site or Expansion of an Existing Waste Management Site

4.9.10 Notwithstanding sections 3.3.6 and 3.8.19 of this Plan, any new waste management sites or expansions of an existing waste management site for the purposes of landfilling will require an amendment to this Plan and to the local municipal official plan.

A new waste management site or the expansion of an existing waste management site for the purposes of non-landfilling activities including, but not limited to, the transfer of materials, management of recyclable materials, or processing of organics, will not require an amendment to this Plan. An amendment to the local municipal official plan may be required for a new waste management site or expansion of an existing waste management site of the purposes of non-landfilling activities.

New or expanded non-landfilling waste management sites will be identified on appropriate mapping schedules without an amendment to this Plan.

Mapping of Waste Management Sites

4.9.101 The locations of County owned and operated waste *disposal/management* sites are shown on Schedule 5.6.1. The boundaries of County owned and operated waste management sites are the property boundary of the lands owned by the County on which waste management site activities occur.

The locations of private and local municipality owned or operated waste *disposal/management* sites are shown on Schedule 5.6.2. The locations of all waste *disposal/management* sites within each local municipality will be mapped in the respective local municipal official plans.

Where the applicable provincial ministry approves the addition or removal of a waste management site from the schedules to this Plan, amendments to this Plan and to the local municipal plan are not required.

D-4 Assessment Areas

4.9.142 The recognized best practice to regulate land use on or near waste *disposal/management* sites is the ~~Province's Ministry of Environment Guideline D-4~~ which provides that generally an area within 500 metres of a Fill Area on a waste *disposal/management* site is the area in which landfill-related impacts may be present. This area is known as the D-4 Assessment Area. Accordingly, the default D-4 Assessment Area is 500 metres calculated from the property line of the waste *disposal/management* site where the Fill Area is unknown or from the Fill Area ~~of the waste for a closed site~~ where the ~~Fill Area extent of waste~~ is known.

4.9.123 The *Guideline D-4* allows for the D-4 Assessment Areas to be varied where the actual influence area of the waste *disposal/management* site has been determined to be less than 500 metres. The D-4 Assessment Area may be reduced to coincide with the actual influence area. Where significant impacts are encountered beyond 500 metres the D-4 Assessment Area may be extended beyond the 500 metres.

4.9.134 The County will determine the D-4 Assessment Areas for County owned or operated waste *disposal/management* sites with a Fill Area in consultation with the applicable provincial ministry. ~~MOE~~. For private and local municipality owned or operated waste *disposal/management* sites the local municipality will determine the D-4 Assessment Area in consultation with the applicable provincial ministry. ~~MOE~~. All D-4 Assessment Areas within each local municipality will be mapped in the respective local municipal official plans. These D-4 Assessment Areas will be shown on a map to be prepared by and available from the

County for information purposes only. The County will update the map from time to time as information changes or new D-4 Assessment Areas are determined in accordance with this Plan.

4.9.145 In order to alter the D-4 Assessment Area in the local municipal official plan, an Assessment Area Environmental Study taking into consideration the applicable factors in the Guideline D-4 will be prepared by a Qualified Person, in consultation with the applicable provincial ministry MOE, and will be peer reviewed as determined necessary by the D-4 Approval Authority. In the alternative, where current information exists to demonstrate there are no landfill-related impacts associated with the closed sites, the D-4 Assessment Area may be reduced without the need for an Assessment Area Environmental Study, in consultation with the applicable provincial ministry MOE. No amendment to this Plan is required; rather a local municipal official plan amendment is required to alter a D-4 Assessment Area.

4.9.156 Sensitive land uses shall normally not be permitted in the D-4 Assessment Area of an active waste disposal/management site which incorporates a Fill Area. However, this shall be considered on a site-by-site basis in accordance with the results of investigations undertaken in accordance with policy 4.9.17.

4.9.167 Where development is proposed within the D-4 Assessment Area of a County owned waste disposal/management site which incorporates a Fill Area, or where the County is the D-4 Approval Authority, D-4 Studies will be required and peer reviewed. ~~and their~~ Any proposed conditions including mitigation and monitoring will be subject to the approval of the appropriate County staff and implemented accordingly. Where appropriate, the County may scope the D-4 Study in accordance with the requirements of the Guideline D-4 and any other applicable provincial standards or regulations.

4.9.178 Where development is proposed within the D-4 Assessment Area of a private or local municipality owned waste disposal/management site, the local municipality will determine the need for D-4 Studies and peer reviews, and the implementation of the proposed conditions including mitigation and monitoring will be determined by the local municipality and policies addressing the implementation options will be contained in the local municipal official plan.

~~4.9.17 If the MOE approves the deletion of a waste disposal site, no amendment to either the local municipal official plan or this Plan is necessary. Any new or expanded waste disposal site in consultation with the MOE would require an amendment to this Plan and to the local municipal official plan. (emphasis added).~~

Land Use Compatibility Study

4.9.179 Where development is proposed in the vicinity of a waste management site which does not contain landfilling activities or a waste management site with non-landfilling activities occurring outside of the Fill Area, a land use compatibility study may be required. The details of the study shall determine any potential land use conflicts with the proposed development and planned or ongoing waste management site activities including, but not limited to, ground and surface water, noise, odour, dust, traffic and other relevant land use considerations in consultation with the County. If a D-4 Study is required for the same proposal, the details of the non-landfilling activities shall be addressed in the D-4 Study.

BUFFER AREA for ~~Waste Management Sites~~ the purposes of waste management means the area adjacent to the Fill Area in which only waste management site uses other than landfilling may occur. ~~which no non-Waste Disposal Area related use can be made of the lands.~~ Generally, the minimum distance for a buffer zone is 30 meters but can be extended to 100 meters or more at the discretion of the owner and operator of the ~~W~~ waste Disposal/management Site or at the direction of the applicable provincial ministry Ministry of the Environment.

D-4 APPROVAL AUTHORITY for all County owned or operated waste disposal/management sites with Fill Areas, the County is the D-4 Approval Authority. For all private and local municipality owned or operated waste disposal/management sites, the local municipality, within which the property is located, is the D-4 Approval Authority.

D-4 ASSESSMENT AREA refers to the lands generally within 500 metres of the ~~Fill Area waste disposal site~~, or more specifically, the area shown on the applicable schedules in the *local municipal* official plans. The *D-4 Assessment Area* may vary according to the actual waste cell location, depth and type of waste and existing conditions. The *County* will also prepare and make available for information purposes, a map showing the *D-4 Assessment Areas* for ~~all~~ waste ~~disposal/management~~ sites containing a Fill Area.

D-4 STUDY is a study required to evaluate the presence and impact of any adverse effects or risks to health and safety and any necessary remedial measures necessary for a proposed *development* in compliance with the *Guideline D-4* including, but not limited to, ground and surface water (hydrogeology and hydrology), noise, odour, and dust, methane gas migration, traffic impact, land use compatibility, and other studies considered appropriate.

FILL AREA means the area of a ~~Waste Disposal/management Site~~ set aside for landfilling purposes.

GUIDELINE D-4 means the ~~MOE-provincial~~ *Guideline D-4*, as amended and any successor guideline or legislation.

INFRASTRUCTURE means physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity power generation facilities, electricity and transmission facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

WASTE includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse, and such other materials as are designated in the regulations of the *Environmental Protection Act*. For the purposes of this Plan, waste does not include liquid waste other than the capture and treatment of leachate.

WASTE DISPOSAL/MANAGEMENT SITE ~~means a site and facilities to accommodate solid waste from one or more municipality and includes recycling facilities, transfers stations, processing sites and disposal sites. This may also include the Fill Area and the Buffer Area of a property which has been or is suspected to have been used as a landfill. A waste management site may include: as well as a property under development for landfilling and~~ means:

- (a) any land upon, into or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed; and
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clause (a).

A waste management site may include non-landfilling and/or landfilling activities.

WASTE MANAGEMENT SYSTEM means a collection of waste management sites.

Appendix B

Draft Official Plan Amendment including Schedules

AMENDMENT NO. X
OF THE OFFICIAL PLAN
FOR THE
COUNTY OF SIMCOE

Waste Management Policies

CERTIFIED that the attached is a true copy of Official Plan Amendment No. X as adopted and passed by By-law No. _____ by the Council of the Corporation of the County of Simcoe on the ____ day of _____, 2019.

Clerk

THE CORPORATION OF THE COUNTY OF SIMCOE

BY-LAW NO. _____

A By-law to Adopt Official Plan Amendment No. **X** to the
Official Plan for the County of Simcoe

**THE COUNCIL OF THE CORPORATION OF THE COUNTY OF SIMCOE IN ACCORDANCE WITH
PROVISIONS OF THE PLANNING ACT, HEREBY ENACTS AS FOLLOWS:**

1. Amendment No. **X** to the Official Plan for the County of Simcoe, is hereby adopted.

The Clerk is hereby authorized and directed to make application to The Ministry of Municipal Affairs and Housing for approval of the aforementioned Amendment No. **X** to the Official Plan for the County of Simcoe.

This By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS ___ DAY OF _____, 2019.

READ A THIRD TIME AND PASSED THIS ___ DAY OF _____, 2019.

Warden

Clerk

OFFICIAL PLAN
FOR
THE COUNTY OF SIMCOE
OFFICIAL PLAN AMENDMENT NO. X

The attached explanatory text constitutes Amendment No. X to the Official Plan for the County of Simcoe.

This amendment was prepared and adopted by the Council of The Corporation of the County of Simcoe by By-law No. _____ in accordance with Sections 17 and 21 of the Planning Act, R.S.O., 1990, c.P.13, as amended, on the ____ day of _____, 2019.

Warden

Clerk

OFFICIAL PLAN AMENDMENT NO. X
TO THE OFFICIAL PLAN
FOR THE COUNTY OF SIMCOE
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THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the County of Simcoe consists of two parts.

PART A – THE PREAMBLE consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

PART B – THE AMENDMENT sets out the actual Amendment along with the specific policies to be added to the County of Simcoe Official Plan.

PART A - THE PREAMBLE

TITLE

The title of this Amendment is “Official Plan Amendment No. X to the Official Plan for the County of Simcoe”, herein referred to as Amendment No. X.

PURPOSE

The Amendment proposes to amend Section 4.9 of the Official Plan by adding references to waste management systems, providing a new policy with regard to a new waste disposal site or expansion of a waste disposal site, and providing a new section with regard to mapping of waste disposal sites. The policies provide for a broader range of activities at waste management sites and clarify requirements for D-4 Assessment Areas and land use compatibility.

The Amendment further amends Section 5.8 of the Official Plan by providing modified definitions for ‘Buffer Area,’ ‘Guideline D-4,’ ‘Infrastructure,’ ‘Waste,’ and ‘Waste Disposal Site,’ and further by providing a new definition for ‘Waste Management System.’

The associated waste management map schedules, Schedule 5.6.1 and 5.6.2, are proposed to be updated by revising the title of Schedule 5.6.1, adding a new legend to identify existing County-owned sites, removing sites which have been remediated and approved for closure by the Province, and adding or updating the location of privately owned sites as shown on Schedule 5.6.2.

LOCATION

Official Plan Amendment No. X is a textual and mapping amendment and the policies apply to all lands located within County of Simcoe.

BASIS

During a review of existing operations and new initiatives for diversion activities at waste management sites, it became apparent that the Simcoe County Official Plan schedules and policy required clarification with respect to waste transfer activities and other non-landfilling activities, which would be desirable for all County operated waste management sites.

It was also apparent that County operations had evolved significantly over the time period between the original development of policy and the ultimate approval date of those policies. County waste management activities have expanded in regard to waste diversion whereas the original policy development focused to a large degree on landfill operations and associated policies with regard to D-4 guidelines.

As there was an apparent need to amend the County policies to deal with the waste diversion activities for existing waste management sites, a review of County policies and potential appropriate amendments were sought.

To guide the policy review and proposed amendments the following objectives were established:

- To recognize that waste management has evolved since the County Official Plan policies were first developed and that waste diversion is now a major component of operations;
- To provide maximum flexibility for waste management operations and activities at all County waste management sites;
- To continue to distinguish between various waste management activities, including active and non-active landfill activities, for the purposes of the application of the D-4 policies and related land use compatibility studies;
- To allow for the establishment and relocation of non-landfilling related waste management activities on County waste management sites without the necessity of individual official plan amendments; and,
- To provide consistency in the policy approach and related definitions for waste management activities.

In order to achieve these objectives, a County Official Plan amendment has been prepared.

PART B - THE AMENDMENT

1.0 INTRODUCTION

Part B – The Amendment, provides the following text and map Schedules ‘A’ and ‘B’ constitute Amendment No. X to the Official Plan for the County of Simcoe.

2.0 DETAILS OF THE AMENDMENT

The Official Plan for the County of Simcoe is hereby amended as follows:

2.1 In the existing **Section 4.9** ‘Waste Management,’ the following policies are modified:

2.1.1 **Policy 4.9.1** is hereby amended by replacing the words “*waste management systems*” with the words “*waste management sites*”. Policy 4.9.1 is hereby amended by adding the words “as part of the *County’s waste management system*” immediately following the word “requirements”.

2.1.2 **Policy 4.9.2** is hereby amended by removing the word “convenience” and adding the words “conducted at *waste management sites*” immediately following the word “activities”.

2.1.3 **Policy 4.9.3** is hereby amended by replacing the words “*waste disposal*” with the words “*waste management*” in the first sentence. Section 4.9.3 is hereby further amended by replacing the words “Ministry of the Environment” with “*provincial*” in the second sentence. Section 4.9.3 is hereby further amended by replacing the word “from” with the word “over” immediately following the word “diversion.”

2.1.4 A new **Policy 4.9.4** is added by inserting the following text immediately after Policy 4.9.3:

“**4.9.4** The County will continue to develop a *waste management system* in accordance with the County of Simcoe Waste Management Strategy or its successor to address permanent *waste disposal* (landfilling) and resource recovery activities (non-landfilling) such as transfer stations, recycling facilities and organics processing facilities. *County waste management sites* may contain a landfilling or non-landfilling activity or a combination of activities. *Waste management solutions* in which the *County* takes responsibility for its own *waste* are preferred where practical.”

2.1.5 Existing **Policy 4.9.4** is renumbered to **Policy 4.9.5** and is amended by adding the words “*waste management system*” immediately following the words “operation of”; removing the word “a” following the word “and”; adding the letter “s” to the word “*site*”; and, replacing the word “its” with the word “their”.

2.1.6 Existing **Policy 4.9.5** is renumbered to **Policy 4.9.6** and is hereby amended by adding the word “the” immediately following the word “of” and by adding the words “*waste management systems*” immediately following the word “operated”. Section 4.9.6 is hereby further amended by replacing the word “disposal” with the word “*management*” immediately following the word “*waste*.”

2.1.7 Existing **Policy 4.9.6** is renumbered to **Policy 4.9.7** and is hereby amended by replacing the word “*disposal*” with the word “*management*” immediately following the word “*waste*.”

- 2.1.8 Existing **Policy 4.9.7** is renumbered to **Policy 4.9.8** and is hereby amended by replacing the word “*disposal*” with the word “*management*” immediately following the word “*waste*.”
- 2.1.9 Existing **Policy 4.9.8** is renumbered to **Policy 4.9.9** and is hereby amended by replacing the word “*disposal*” with the word “*management*” immediately following the word “*waste*.”
- 2.1.10 A new **Policy 4.9.10** is added by inserting the following text immediately after **Policy 4.9.9**:

“New Waste Management Site or Expansion of a Waste Management Site

4.9.10 Notwithstanding sections 3.3.6 and 3.8.19, of this *Plan*, any new *waste management sites* or expansion of an existing *waste management site* for the purposes of landfilling will require an amendment to this *Plan* and to the *local municipal* official plan.

A new *waste management site* or the expansion of an existing *waste management site* for the purposes of non-landfilling activities including, but not limited to, the transfer of materials, management of recyclable materials, or processing of organics, will not require an amendment to this *Plan*. An amendment to the *local municipal* official plan may be required for a new *waste management site* or expansion of an existing *waste management site* of the purposes of non-landfilling activities.

New or expanded non-landfilling *waste management sites* will be identified on appropriate mapping schedules without an amendment to this *Plan*.”

- 2.1.11 A new heading “**Mapping of Waste Management Sites**” is inserted immediately following the new **Policy 4.9.10**.
- 2.1.12 Existing **Policy 4.9.9** is renumbered **Policy 4.9.11** and is hereby amended by adding the sentences “The boundaries of the *County* owned and operated *waste management sites* are the property boundaries of the lands owned by the *County* on which *waste management site* activities occur.” Section 4.9.9 is hereby further amended by replacing the word “*disposal*” with the word “*management*” immediately following the word “*waste*.” Section 4.9.9 is hereby further amended by adding the sentence “Where the applicable *provincial* ministry approves the addition or removal of a *waste management site* from the schedules to this *Plan*, amendments to this *Plan* and to the *local municipal* plan are not required”.
- 2.1.13 Existing **Policy 4.9.10** is renumbered to **Policy 4.9.12** and is hereby further amended by replacing the word “*disposal*” with the word “*management*” immediately following the word “*waste*.” Section 4.9.10 is hereby further amended by replacing the words “Ministry of Environment” with the word “*Province’s*” immediately following the word “the” and adding the words “a *Fill Area* on” immediately before the words “on a *waste management site*” in the first sentence. Section 4.9.10 is hereby further amended by replacing the word “*disposal*” with the word “*management*” and adding the words “where the *Fill Area* is unknown” immediately before the words “or from the *Fill Area*” in the third sentence. Section 4.9.10 is hereby further amended by adding the words “extent of *waste*” immediately following the word “the.”
- 2.1.14 Existing **Policy 4.9.11** is renumbered to **Policy 4.9.13** and is hereby further amended by replacing the word “*disposal*” with the word “*management*”.
- 2.1.15 Existing **Policy 4.9.12** is renumbered to **Policy 4.9.14** and is hereby further amended by replacing the word “*disposal*” with the word “*management*”. Section 4.9.12 is hereby further

amended by adding the words “with a *Fill Area*” immediately following the word “*site*.” Section 4.9.12 is hereby amended by revising “*MOE*” to “applicable *provincial* ministry” in all instances in which it occurs.

- 2.1.16 Existing **Policy 4.9.13** is renumbered to **Policy 4.9.15** and is hereby further amended by revising “*MOE*” to “applicable *provincial* ministry” in all instances in which it occurs.
- 2.1.17 Existing **Policy 4.9.14** is renumbered to **Policy 4.9.16** and is hereby further amended by replacing the word “*disposal*” with the word “*management*” and adding the words “which incorporates a *Fill Area*” immediately following the word “*site*.” Section 4.9.14 is hereby further amended by adding the sentence “However, this shall be considered on a site-by-site basis in accordance with the results of investigations undertaken in accordance with policy 4.9.17” following the first sentence.
- 2.1.18 Existing **Policy 4.9.15** is renumbered to **Policy 4.9.17** and is hereby further amended by replacing the word “*disposal*” with “*management*” immediately following the word “*waste*.” Section 4.9.15 is hereby further amended by adding the words “which incorporates a *Fill Area*” immediately following the word “*site*.” Section 4.9.15 is hereby further amended by replacing the words “and their” with “Any” at the beginning of the second sentence. Section 4.9.16 is hereby further amended by adding the sentence “Where appropriate, the *County* may scope the *D-4 Study* in accordance with the requirements of the *Guideline D-4* and any other applicable *provincial* standards or regulations.” to the end of this policy.
- 2.1.19 Existing **Policy 4.9.16** is renumbered to **Policy 4.9.18** and is hereby further amended by replacing the word “*disposal*” with the word “*management*” immediately following the word “*waste*.”
- 2.1.20 Existing **Policy 4.9.17** is hereby deleted in its entirety.
- 2.1.21 A new heading is inserted immediately following Policy 4.9.18 titled “**Land Use Compatibility Study**”.
- 2.1.22 New **Policy 4.9.19** replaces deleted **Policy 4.9.17** and the following is added:

“**4.9.19** Where development is proposed in the vicinity of a *waste management site* which does not contain landfilling activities or a *waste management site* with non-landfilling activities occurring outside of the *Fill Area*, a land use compatibility study may be required. The details of the study shall determine any potential land use conflicts with the proposed *development* and planned or ongoing *waste management site* activities including, but not limited to, ground and surface water, noise, odour, dust, traffic and other relevant land use considerations in consultation with the *County*. If a *D-4 Study* is required for the same proposal, the details of the non-landfilling activities shall be addressed in the *D-4 Study*.”

- 2.2** In the existing **Section 5.8 ‘Definitions,’** the following definitions are modified:

- 2.2.1 The definition of **BUFFER AREA** is hereby amended by replacing the words “*Waste Management Sites*” with the words “the purposes of waste management”; and, replacing the words “for which no non-*Waste Disposal Area* related use can be made of the lands “ with the words “in which only *waste management site* uses other than landfilling may occur”. The words “*Waste Disposal Site*” are replaced with the words “*waste management site*” and the words “*Ministry of Environment*” are replaced with “applicable *provincial* ministry.”

- 2.2.2 The definition of **D-4 APPROVAL AUTHORITY** is hereby amended by replacing the word “*disposal*” with the word “*management*” in all instances where it occurs. The definition is further amended by adding the words “with *Fill Areas*” immediately following with word “sites.”
- 2.2.3 The definition of **D-4 ASSESSMENT AREA** is hereby amended by replacing the words “*waste disposal site*” with “*Fill Area*” immediately following the word “the.” The definition is hereby further amended by deleting the word “all” immediately following the word “for” in the last sentence, replacing the word “*disposal*” with “*management*” immediately following the word “waste”, and adding the words “containing a *Fill Area*” immediately after the word sites in the last sentence.
- 2.2.4 The definition of **FILL AREA** is hereby amended by replacing the words “*waste disposal sites*” with “*waste management sites*” and adding the word “purposes” immediately following the word “landfilling.”
- 2.2.5 The definition of **GUIDELINE D-4** is hereby amended by replacing the word “*MOE*” with “*provincial*” immediately following the word “the.”
- 2.2.6 The definition of **INFRASTRUCTURE** is hereby amended by adding the words “stormwater management systems, *waste management systems*” immediately after the words “sewage treatment systems”. The definition is further amended by replacing the words “electric generation” with “electricity power generation facilities” and adding the words “electricity transmission facilities, electricity transmission and distribution systems” immediately preceding the words “communications/telecommunications.”
- 2.2.7 The definition of **WASTE** is hereby amended by adding the sentence “For the purposes of this *Plan*, *waste* does not include liquid waste other than the capture and treatment of leachate” at the end of the definition.
- 2.2.8 The definition of **WASTE DISPOSAL SITE** is hereby amended by renaming the defined term to **WASTE MANAGEMENT SITE** and adding the sentence “means a site and facilities to accommodate solid *waste* from one or more municipality and includes recycling facilities, transfers stations, processing sites and disposal sites.” The definition is further amended by adding the words “This may also include the” immediately preceding “*Fill Area*” and adding the word “a” preceding the word “property.” The definition is further amended by adding the sentence “A *waste management site* may include:” and deleting the words “as well as a property under development for landfilling and means:” The definition is hereby further amended by adding the sentence “A *waste management site* may include non-landfilling and/or non-landfilling activities.” as a final sentence.
- 2.2.9 **Section 5.8** is hereby further amended by adding a new definition: “**WASTE MANAGEMENT SYSTEM** means a collection of *waste management sites*.”
- 2.3 That **Schedule 5.6.1** is hereby modified by the following as illustrated by Schedule ‘A’ to this Amendment:
- 2.3.1 Delete the title “County Waste Disposal Sites” and replace with “County Waste Management System”;
- 2.3.2 Replace the existing legend to identify sites by the following descriptions:
- Open Landfill – Operational Facility

Open Landfill – Non-Operational Facility
Closed Landfill – Operational Facility
Closed Landfill – Non-Operational Facility

2.3.3 Delete the following sites:

Site 25 – Lot 34 Plan 315, 90 Edward Street, Creemore, Township of Clearview
Site 65 – South Part Lot 21, Concession 20, Township of Tiny
Site 56 – Part Lot 23, Concession 4, Lefroy-Belle Ewart, Town of Innisfil

2.3.4 Remove the identification of Site 13 (Tioga) as “Open Landfill” and replace with “Closed Landfill – Operational Facility”.

2.4 That **Schedule 5.6.2** is hereby modified by the following as illustrated by Schedule ‘B’ to this Amendment:

2.4.1 Relocate private ownership Site 514 currently shown at North Part Lot 7, Concession 13, 3445 14th Line, Town of Innisfil, to Lot 7, Concession 14, Town of Innisfil;

2.4.2 Relocate private ownership Site 547 currently shown at the intersection of Gratix Road and Becketts Sideroad, Township of Tay to East Part Lot 8, Concession 9, 1967 Gratix Road, Township of Tay;

2.4.3 Add previously unreported private ownership site at Part Lots 12 and 13, Concession 6, 2472 Newton Street, Township of Tay and identify the site as “583”;

2.4.4 Add previously unreported private ownership site at Lot 14, Plan M63, 7697 Riverleigh Drive, Township of Ramara and identify the site as “584”.

3.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan for the County of Simcoe, as amended from time to time, regarding the implementation and interpretation of that Plan shall apply in regard to this Amendment.