

## **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 which adapt to the constant evolution of new technologies and approaches becoming available and advances in environmental protection and governing legislation, such as the *Environmental Protection Act*.

**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.

### **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.

**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 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 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 or expanded in accordance with the *Environmental Protection 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* for 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**

**4.9.11** 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.

The locations of private, *local municipality*, and *provincially* owned or operated *waste management sites* are shown on Schedule 5.6.2. Information regarding the sites identified on Schedule 5.6.2, is to be obtained from the Ministry of Environment, Conservation and Parks.

County of Simcoe Official Plan – Updated Section 4.9 Waste Management and Definitions as amended by County Official Plan Amendment No. 5

The locations of all *waste management sites* shown on Schedules 5.6.1 and 5.6.2 within each *local municipality* will be mapped in the respective *local municipal* official plans.

Where the Ministry of Environment, Conservation and Parks identifies that a *waste management site* may be removed or must be added to the schedules of this *Plan*, amendments to this *Plan* and to the *local municipal* plan are not required.

Where policy requires that an amendment to this *Plan* is required to remove or add a *waste management site*, a mapping change will occur as part of that amendment. Any such amendment requires approval from the Ministry of Municipal Affairs and Housing.

#### **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 *landfilling*-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.

**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 *landfilling*-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.

**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.

**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*.

## 5.8 Definitions

**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 metres but can be extended to 100 metres or more at the discretion of the owner and operator of the *waste management site* or at the direction of the applicable *provincial* ministry.

**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*.

**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 the 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.

**LANDFILLING** means the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals (R.R.O. 1990, Reg. 347: General - Waste Management).

**NON-LANDFILLING** means any permitted use or activity in a *waste management site* other than *landfilling* and includes, but is not limited to, recycling facilities, transfer stations, and processing sites.

**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.

County of Simcoe Official Plan – Updated Section 4.9 Waste Management and Definitions as amended by County Official Plan Amendment No. 5

**WASTE MANAGEMENT SITE** means a site and facilities to accommodate solid waste from one or more municipality and includes one or more of the following activities or uses:

- (a) *landfilling* activities;
- (b) *non-landfilling* activities;
- (c) a *Fill Area* and the *Buffer Area* of a property which has been or is suspected to have been used for landfilling;
- (d) 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
- (e) 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) to (d).

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