

## Town of Huntsville Official Plan Review - POLICY BACKGROUND PAPER

### Servicing our Residents – Waste Management

#### BACKGROUND:

- The District of Muskoka is responsible for the provision of waste management services to the Town, and operates the Stisted Waste Transfer Station located at 178 Stisted Landfill Road.
- While commercial, industrial, construction and residential (including electronic) waste may be taken to the Stisted Waste Transfer Station, the Town benefits from a curbside collection program for residential waste, as well as paper and container recyclable materials. Residential food and yard waste are also collected within the Urban Settlement Area and Port Sydney through a green bin program.
- Household hazardous waste is disposed of on selected days at the Madill Works yard located at 169 Madill Church Road.
- There are 4 non-operating municipal waste disposal sites located within the Town, which are under the jurisdiction of the District of Muskoka. The location of these sites is identified on Appendix I.
- There are 5 operating and 4 closed private waste disposal sites and non-municipal sites. The location of these sites is identified on Appendix I.
- Development proposed within in the vicinity of operating and non operating waste disposal sites is subject to Ministry of the Environment and Climate Change D4 guidelines in order to protect the health, safety, convenience and welfare of occupants near such facilities.
- New municipal solid waste operations and facilities are generally regulated under the provincial Environmental Assessment (EA) Act.
- New private waste disposal sites are generally not permitted within the Town.

#### POLICY CONTEXT:

##### **Provincial Policy Statement (2014):**

##### 1.6 Infrastructure - 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.

##### **Current Muskoka Official Plan & Policy Directions Report:**

H.33 Identifies that the District is responsible for waste management

H.35 No development is permitted within 30m of a waste disposal site, with no waste disposal sites permitted within 30m of existing development

H.38/39 Within 500m of a waste disposal site, a technical (D4) report is required prior to any development being approved – to ensure no adverse affects to health and human safety, and identify mitigation measures.

H.40 Requirement to identify no adverse affects applies to abandoned waste disposal sites

H.41-43 New private tire disposal and hazardous waste sites not permitted, other types of waste disposal sites are discouraged, however may proceed with OPA, with additional policies outlining matters that would be required to be addressed

H.49-50 Programs promoting public awareness of waste issues and encouragement of innovative waste solutions for institutions and businesses.

**First Draft Muskoka Official Plan:**

- B13.5
- a) 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.
  - b) New public and private waste management systems shall be located and designed in accordance with provincial legislation and standards and will require an amendment to this Plan.
  - c) The District of Muskoka has responsibility for solid waste management under the Regional Municipalities Act. As such, proposals that negatively impact on the ability of the District to provide an efficient and cost effective service will not be permitted.
  - d) Programs to promote public awareness of waste issues, innovative approaches to waste reduction and a better understanding of the environmental effects of waste of all sorts will be encouraged.
  - e) Local businesses and institutions will be encouraged to become involved in the development and operation of innovative methods of reducing or diverting waste that they generate.
  - f) The District shall prepare a waste management strategy to address issues related to the disposal of solid waste, septage and road snow wastes. This strategy may also address recycling, reuse, compost, site closures, and the development of plans and adequate financial reserves for long-term sustainability of waste management systems.

g) Proposals that value waste as a resource, for reclamation of raw materials, for fuel or energy production will be generally supported by the District, subject to the policies of this Plan.

- H2.3
- a) The development or redevelopment of potentially contaminated sites shall be assessed and remediated in a manner consistent with the Environmental Protection Act and relevant regulations, and the relevant Provincial Ministry with jurisdiction's guidelines and procedures.
  - b) Sites known or suspected to have soils contaminated with residues of current or previous industrial or commercial land uses must have the environmental condition of the site assessed. When managing development on potentially contaminated sites, a Record of Site Condition (RSC) either prior to the development approval, at the time of release of conditions of approval, or at the time of issuance of building permits, as required or stipulated by the Area Municipality must be received.
  - c) When considering applications for development that include sites suspected or known to be contaminated, the approval authority will require at its discretion that a Phase 1 Environmental Site Assessment (ESA) be undertaken by the applicant in accordance with Ontario Regulation 153/04. This would require sampling and analysis of the site to confirm and delineate the presence or absence of contamination suspected by the ESA report.
  - d) As a condition of approval, the approval authority will require that remediation, where required, is undertaken to appropriate standards of the MOECC, as specified in Ontario Regulation 153/04 and in the guideline Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, or other regulator requirements of the Provincial Ministry with jurisdiction, as amended from time to time.
  - e) Mandatory filing of a Record of Site Condition in the Registry, by a qualified person, as defined in O. Reg. 153/04, as amended, is required for a change in use of a property from industrial or commercial to residential or parkland, as defined in the regulation, and will be acknowledged by the Provincial Ministry that has jurisdiction. A site clean-up plan may be required and the site may need to be cleaned-up in accordance with the O. Reg. 153/04, as amended and with the Provincial Ministry with jurisdiction's guidelines (e.g. "Records of Site condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004).
  - f) A Record of Site Condition may, at the approval authority's discretion, be a required condition of approval under this Plan. In addition to changes of use prescribed by the Environmental Protection Act as uses for which a Record of Site condition is mandatory (a change of use to a more sensitive land use), the Area Municipality may require a RSC to be filed where the application does not involve a change of use to a more sensitive land use as defined in the Environmental Protection Act.

H2.4 a) Existing operating and known closed or non-operating waste disposal sites are shown on

Appendix # \_\_\_\_\_ to this Plan. The District, Area Municipalities, and relevant stakeholders (including Provincial ministries as necessary) shall work collaboratively in identifying an inventory of closed or non-operating waste disposal sites for the purposes of implementing this policy.

- b) No new development will be permitted within 30 metres of an operating, nonoperating, or closed waste disposal site.
- c) The **development** of new uses or new or enlarged buildings or structures within 500 metres or other potential influence area distance as determined by the Province and/or District to existing and known closed or non-operating waste disposal site sites may be permitted, provided an assessment is completed to determine:
  - i) Whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the adjacent land use;
  - ii) Whether human health will be adversely affected by ground and surface water contamination or gas migration; and
  - iii) That there are no other environmental issues associated with the site that would make the lands unsuitable for development;
- d) While an assessment will generally be required for all new development or land use changes within a potential influence area to evaluate the presence and impact of any adverse effects or risks to health and safety and to identify any mitigation or remedial measures required, there are some situations where an assessment may not be required or could be scoped through consultation with the Provincial Ministry with jurisdiction and/or the District.
- e) The assessment required in sub-section c) is intended to address these matters and other items outlined in the Province's Guideline D-4, April 1994, or its successor as required to ensure that the proposed land uses are compatible in nature and do not adversely impact upon each other.
- f) No use shall be made of land or land covered by water that has been used for the disposal of waste within a period of twenty-five years from the year that such land ceased to be used for such purposes unless the approval of the Provincial Ministry with jurisdiction has been granted.

H2.5 The **development** or **redevelopment** of potentially contaminated sites shall be assessed and remediated in a manner consistent with the Environmental Protection Act and relevant regulations, and the relevant Provincial guidelines and procedures.

## **Town Strategic Documents:**

### **Strategic Plan**

#### Roads and Infrastructure

GOAL #2 Ensure Town infrastructure and service levels respond to the needs of a prosperous and progressive community

### **Unity Plan**

Goal #2 Municipal Operations and Infrastructure: Huntsville will strive to be a model sustainable community , by reducing its impact on the environment, and planning for climate change adaptation by following best management practises in all municipal operations and infrastructure projects and leading by example.

## **Huntsville Official Plan:**

### **2.4.8 Municipal Infrastructure**

2.4.8.1 An extensive and efficient system of municipal infrastructure is critical to maintaining the quality of life in Huntsville. These include water supply, sanitary sewage disposal, roads, storm water, solid waste disposal and utilities.

### **10.8 Public Landfill Sites & Sewage Lagoons**

- 10.8.1 The District of Muskoka has responsibility for solid waste management. As such, proposals that negatively impact on the ability of the District to provide an efficient and cost effective service will not be permitted.
- 10.8.2 No development will be permitted within 30 metres (100 feet) of any waste disposal site. Conversely, no waste disposal site will be permitted within 30 metres of any other development.
- 10.8.3 Where new development is proposed within 500 metres (1,640 feet) of a waste disposal site or a waste disposal site is proposed within 500 metres (1,640 feet) of any development, a preliminary technical report will be prepared. The report will evaluate the presence and impact of any adverse effects or risk to health and safety, and identify any remedial measures that should be taken to mitigate any concerns.
- 10.8.4 A preliminary technical report may also be required where there is reason to believe that the influence area of a waste disposal site extends beyond the 500-metre (1,640-foot) distance. In the case of operating sites, a modified influence area may be applied where information such as monitoring or a closure plan is available to justify a change in the radius or shape of the 500-metre (1,640-foot) area of influence.
- 10.8.5 A comprehensive technical report will be prepared and implemented where a need for further analysis is identified in or through the review of a preliminary technical report.

10.8.6 Prior to development proceeding in close proximity to an abandoned waste disposal site, the authority having jurisdiction to approve the application and the District of Muskoka will be satisfied that there will be no adverse effects or risk to health on the development from the waste disposal site.

## **10.9 Private Waste Disposal Sites**

10.9.1 New private tire disposal sites and hazardous waste sites will not be permitted in the Town. Tire transfer sites will only be permitted where they are ancillary to a tire recycling operation located on the site.

10.9.2 The establishment of other types of private waste disposal or transfer sites will be discouraged. However, where an application for a new waste disposal or transfer site, has been received, the following review process will be implemented:

- a) Where a site is over 2.5 hectares (5 acres) or includes ignitable waste a District Official Plan Amendment is required.
- b) Where a site is 0.4 hectares to 2.5 hectares (5 acres), a local Official Plan Amendment is required.
- c) Where a site is less than 0.4 hectares (1 acre), a local approval process that includes a public review will be required.
- d) Hydrogeological and Environmental Impact Studies are submitted to and approved by the authority having jurisdiction.

In addition, new private waste disposal or transfer sites with outside storage or fill areas will only be permitted in the Rural Area.

10.9.3 The following are minimum standards for the location of new private solid waste disposal sites:

- a) The site will not be subject to flooding and will be located so that no direct drainage leads to a watercourse.
- b) Drainage from the site that may cause pollution will not be discharged into any watercourse or leach into the groundwater.
- c) Drainage from the site will not adversely affect adjoining property owners and natural drainage will not be obstructed.
- d) The site will be at least 500 metres (1,640 feet) from any watercourse.
- e) The site will not be located on fractured bedrock without appropriate mitigating measures to ensure the long term protection of the groundwater in the area.

- f) Access roads and on-site roads will be provided so that vehicles hauling waste to an on the site may travel readily on any day under normal weather conditions.
- g) A green belt or natural zone will be provided around the site and the site will be screened from public view.
- h) The site will be at least one kilometre (0.6 miles) from the nearest residential dwelling and at least 500 metres (1,640 feet) from the nearest public road.
- i) Emergency services can access all portions of the site effectively and efficiently.

10.9.4 In reviewing a new private solid waste disposal site the following matters, among other, will be addressed on site and in the surrounding area to the satisfaction of the approval authority:

- a) Compatibility with surrounding uses;
- b) Geologic, biologic and hydrologic conditions and suitability;
- c) Location, condition, traffic and loading capacity of haul routes;
- d) Progressive rehabilitation sequences during the life cycle of the site including after active use management and use;
- e) Buffering, screening and security of the site;
- f) Monitoring program for on-site and off-site impacts with a mitigation plan to address potential problems; and
- g) Posting of performance securities.

10.9.5 Programs to promote public awareness of waste issues, innovative approaches to waste reduction and a better understanding of the environmental effects of waste of all sorts will be encouraged.

10.9.6 Residents, businesses and institutions are encouraged to become involved in the development and operation of innovative methods of reducing or diverting waste that they generate.

11.9.4 If the site of a proposed land use is known or suspected to be contaminated, a study may be required in accordance with provincial guidelines to determine the nature and extent of the contamination and the identification of a remedial plan, if required. Where the need for remediation is identified, the site shall be restored in accordance with the remedial plan before development occurs to ensure there will be no adverse effects on the proposed use or adjacent land uses.

## **CONSIDERATIONS:**

- The District has information on the location of landfill at the Stisted Transfer Station and is in the process of reviewing the 4 non-operating municipal waste disposal sites to determine the location of each area of influence and limiting them wherever possible.
- There is very little information available about the potential area of influence for private non-operating waste disposal sites. The Town's Official Plan policies currently do not require the submission of technical studies for development adjacent to such sites.
- MOECC recommends inclusion of official plan policies which require that all lands within 500m (or alternative distance substantiated by an assessment) of identified operating and non-operating waste disposal sites be zoned with a Holding symbol so that no development may occur on those or adjacent lands without the provision of a technical study. Town and District staff are working collaboratively and cooperatively with MOECC to scope required studies and adjust potential influence areas around non-municipal sites.
- As there is very little information available for non-operating private waste disposal sites, the actual area of influence for each of them cannot be identified and refined without an investigation undertaken through D4 studies completed by development proponents on adjacent/nearby lands or by the owner of the waste site.
- Where private operating and non-operating waste disposal sites are located in heavily developed areas and could become a barrier to new development or redevelopment, consideration could be given to a private/public sector funded technical review of such sites in order to eliminate/limit or shrink areas of influence.

## **SUMMARY:**

A review of best practices from other municipalities across Muskoka has revealed that the following policy approaches may assist in addressing some of the considerations:

- Policies should continue to protect the function of the Stisted Transfer Station.
- To help clarify the interpretation of the waste disposal policies, the term Waste Disposal Site should be included in a glossary in an updated official plan.
- The policies should be simplified to require technical studies in support of the development of sensitive land uses within 500m or other substantiated distance of all public and private waste disposal sites (operating and non-operating).
- In order to build on the direction of the draft MOP, policy should be included to address proposals that value waste as a resource for reclamation of raw materials, for fuel or energy production.