

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited
Appellant: 861945 Ontario Ltd. et al
Appellant: County of Simcoe
Appellant: Estate of Mary Louise Francom; and others
Subject: Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008
Municipality: Upper Tier of Simcoe
OMB Case No.: PL091167
OMB File No.: PL091167

MOTION RECORD

PHASE 1c - D4 POLICIES

(Returnable April 15, 2014)

THOMSON, ROGERS
Barristers and Solicitors
Suite 3100, 390 Bay Street
Toronto, Ontario
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Lawyers for the Corporation
of the County of Simcoe

TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B"

AND TO: ONTARIO MUNICIPAL BOARD
655 Bay Street, 15th Floor
Toronto, Ontario, M5G 1E5

Attention: Kimberly Livingstone, Planner
kimberly.livingstone@ontario.ca

Phone: 416-326-6773
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ATTACHMENT "A"
LIST OF APPELLANT PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN
OMB File PL091167

March 12, 2014

No.	Appellant	Lawyer/Agent*	E-mail Address
1	County of Simcoe	Roger Beaman	rbeaman@thomsonrogers.com
2	2a Carson Road Development Inc. 2b Midhurst Development Doran Road Inc.	Susan Rosenthal David White	susanr@davieshowe.com david.white@devrylaw.ca
3	Craighurst Land Corp.	Susan Rosenthal	susanr@davieshowe.com
4	Huntingwood Trails (Collingwood) Ltd.	Susan Rosenthal Meaghan McDermid	susanr@davieshowe.com meaghanm@davieshowe.com
5	Midhurst Rose Alliance Inc.	Ira Kagan Paul DeMelo	ikagan@ksllp.ca pdemelo@ksllp.ca
6	Township of Springwater	Barnet Kussner	bkussner@weirfoulds.ca
7	451082 Ontario Limited	James Feehely	jfeehely@feehelygastaldi.com
8	8a 861945 Ontario Ltd. 8b Golfview Estates Limited W/D 8c Mark Rich Homes Limited 8d Silver Spring View Estates Limited 8e Simcoe Estates Limited 8f Royal Heights Estates Limited 8g OMC Development Corp. W/D	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
9	Innisfil Aleona Limited <i>[Appeal Withdrawn]</i>	Lynda Townsend Jennifer Meader	ltownsend@weirfoulds.com jmeader@weirfoulds.com
10	Tesmar Holdings Inc.	Michael Melling Meaghan McDermid	michaelm@davieshowe.com meaghanm@davieshowe.com
11	Janice & David Wright	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
12	12a Snow Valley Planning Corporation 12b 453211 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
13	McMahan Woods Developments Ltd.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
14	Innisfil Beach Farms Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
15	Estate of Marie Louise Frankcom	James Feehely	jfeehely@feehelygastaldi.com
16	Midhurst Ratepayers ² Association <i>[Appeal Dismissed]</i>	David Strachan* Margaret Hutchison*	davidstrachan@yahoo.com mhutchis1000@gmail.com
17	Narinder Mann	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
18	Yorkwood Group of Companies	Patricia Foran	pforan@airdberlis.com
19	19a Rama Resorts International Inc. 19b Fernbrook Homes (Rama) Limited <i>[Appeal Resolved]</i>	Brian Goodreid*	briangoodreid@hotmail.com
20	1091402 Ontario Ltd. <i>[Appeal Withdrawn]</i>	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
21	Nicole and Brent Fellman	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
22	Travel-Rite Property Corp.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca

23	Aqua-Gem Investments Ltd.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
24	442023 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
25	1045901 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
26	Kellwatt Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
27	27a Ontario Potato Distributing Inc. 27b 1567219 Ontario Limited	Chris Barnett	cbarnett@davis.ca
28	Black Marlin Management Inc.	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
30	D.G. Pratt Construction Limited	Jane Pepino Andrea Skinner	jpepino@airdberlis.com askinner@airdberlis.com
31	Hanson Development Group	Patricia Foran	pforan@airdberlis.com
32	Town of New Tecumseth	James Feehely	jfeehely@feehelygastaldi.com
33	Township of Adjala-Tosorontio	Stephen Waqué Isaac Tang	swaque@blg.com itang@blg.com
34	Robert Schickedanz in Trust	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
35	2115441 Ontario Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
36	Carson Trail Estates Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca

ATTACHMENT “B”
LIST OF PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN PL091167

March 12, 2014

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Michael F. Spagnolo (Student-at-Law)	ken.hare@ontario.ca Ugo.Popadic@ontario.ca Michael.F.Spagnolo@ontario.ca
B	Town of Collingwood	Leo Longo	llongo@airdberlis.com
C	C1 Town of Penetanguishene C2 Township of Ramara	Edward Veldboom	eveldboom@russellchristie.com
D	Town of Innisfil	Quinto Annibale/ Mark Joblin	qannibale@loonix.com mjoblin@loonix.com
E	Town of Bradford West Gwillimbury	Tom Halinski	thalinski@airdberlis.com
F	Town of Midland	Paul Peterson	ppeterson@hgrgp.ca
G	G1 Township of Clearview G2 Township of Tiny G3 Town of Wasaga Beach	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
H	<i>[Now Appellant 32]</i>		
I	<i>[Now Appellant 33]</i>		
J	J1 Ontario Stone, Sand and Gravel Association J2 CBM Aggregates, a division of St. Marys Cement (Canada) Inc. J3 Lafarge Canada Inc. J4 Holcim (Canada) Inc. J5 James Dick Construction Limited J6 Walker Aggregates Inc.	Mary Bull Alexandra Sadvari	mbull@woodbull.ca asadvari@woodbull.ca
K	Georgian International Land Corp.	Mary Bull Alexandra Sadvari	mbull@woodbull.ca asadvari@woodbull.ca
L	San Marco in Lamis Ltd.	Michael Vaughan	michaelbvaughan@yahoo.ca
M	White Water Holdings Ltd.	Barry Horosko Caterina Facciolo	bhorosko@bratty.com cfacciolo@bratty.com
N	<i>[Now Appellant 28]</i>		
O	No Jet Construction Inc. Remington Homes (Manhattan) Inc. <i>[Withdrawn]</i>	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
P	Sleeping Lion Development Corporation	John Dawson	jdawson@mccarthy.ca
Q	John Barzo Limited	John Barzo	jbarzo@barzolaw.com
R	Innisfil Mapleview Developments Limited	Susan Rogers	susan.rogers@sdrogerslaw.ca
S	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	harold@elstons.ca aynsley@elstons.ca
T	Talisker Corporation	Harold Elston Aynsley Anderson	harold@elstons.ca aynsley@elstons.ca
U	U1&U2 <i>[Now Appellant 27 a & b]</i>		
V	1651012 Ontario Ltd. now Sandycove Acres Limited	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
W	Township of Oro-Medonte	Chris Williams	cwilliams@airdberlis.com
X	998991 Ontario Inc.	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com

PL091167

Ontario Municipal Board

IN THE MATTER OF ss. 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant:	451082 Ontario Limited
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PL091167

Ontario Municipal Board

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NOTICE OF MOTION

PHASE 1c - D4 POLICIES

THE CORPORATION OF THE COUNTY OF SIMCOE will make a motion to the Ontario Municipal Board on **Tuesday, the 15th day of April, 2014, at 10:30 am**, or as soon after that time as the motion can be heard at the County of Simcoe, Administration Centre, Council Chambers, 1110 Highway 26, Midhurst, Ontario, L0L 1X0.

THE MOTION IS FOR AN ORDER:

- (a) Allowing the Official Plan appeal in part and modifying and approving replacement policies for Section 4.9;
- (b) Deleting Appendix 5 entitled *D-4 Assessment Area Implementation* including references to it in the Official Plan;
- (c) Deleting the Issues List approved for Phase 1c;
- (d) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) The experts for parties involved in Phase 1c of the hearing met and supported modified policies resolving concerns about all matters to be considered in the Phase 1c hearing.

- (b) The modifications provide a comprehensive policy framework for implementation of the MOE's D4 Guidelines.
- (c) Appendix 5 is now redundant and can be deleted along with references to it found in the Official Plan.
- (d) The modified policies are consistent with the PPS, conform to Provincial policy and represent good planning.
- (e) Approval as sought would resolve appeals and concerns of specific parties.
- (f) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (g) *Planning Act*, R.S.O. 1990, c. P.13, as amended, subsections 17(40), 17(45), 17(50).
- (h) Rule 108 of the Ontario Municipal Board's Rules of Practice and Procedure.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the Affidavit of Kathy Suggitt, sworn March 31, 2014, and the Exhibits attached thereto;
- (b) the Report of Meetings of Expert Witnesses on Phase 1c contained in the said Affidavit;
- (c) the pleadings and proceedings herein;
- (d) such further and other material as counsel may advise and this Board may permit.

MARCH 31, 2014

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Lawyers for the Corporation
of the County of Simcoe

PL091167

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R. S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited
 Appellant: 861945 Ontario Ltd., et al
 Appellant: County of Simcoe
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 Subject: Failure of to announce a decision respecting Proposed
 Official Plan Amendment No. 43-OP-2008
 Municipality: Upper Tier of Simcoe
 OMB Case No.: PL091167
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AFFIDAVIT OF KATHY SUGGITT, MCIP, RPP

**I, KATHY SUGGITT, MCIP, RPP, of the City of Barrie, in the Province of Ontario,
 MAKE OATH AND SAY AS FOLLOWS:**

1. I am the Manager of Policy Planning in the Planning Department at the County of Simcoe (the "County"). As such, I have knowledge of the matters deposed to herein.
2. I am a Full Member of the Canadian Institute of Planners and a Registered Professional Planner in the Province of Ontario. I have 23 years of experience in private and public sector planning. A copy of my Curriculum Vitae has previously been filed in these proceedings as attachment A to Motion Record Exhibit 7.
3. I have been directly involved in matters respecting the County's updated Official Plan at all stages of the process since August 2008 leading to its adoption by the County on November 25, 2008 through to the endorsement of the proposed modified Plan by County Council on January 22, 2013 and to the present including OMB proceedings to date.

Waste Management Policies

4. In an oral decision on April 19, 2013 and confirmed in a memorandum dated June 13, 2013 the Board approved parts of the County Official Plan with the exception of sections that remain under appeal either County-wide or on a site-specific basis. Included in that partial approval was part of Section 4.9 – Waste Management. Policies 4.9.1 through 4.9.8 were approved while policies 4.9.9 through 4.9.24 remained under appeal along with related definitions, Appendix 5 and map Schedules 5.6.1 and 5.6.2.

5. The experts for the parties involved in Phase 1c of the hearing met on several occasions and have reached agreement on a set of policies and modifications to the related definitions that resolve the concerns raised by the parties involved in this phase of the hearing. Attached as **Exhibit "A"** is the final issues list for Phase 1c in this hearing taken from the Procedural Order.
6. The new policies would replace sections 4.9.9 through 4.9.24 which remained under appeal. The new policies (4.9.9 through 4.9.17) provide a comprehensive policy framework to address the County's responsibilities and direction to the local municipalities in the implementation of the Ministry of the Environment's Guideline D-4. The proposed set of policies and related definitions are attached as **Exhibit "B"**.
7. Appendix 5 in the proposed modified County Official Plan was also under appeal given its relationship to the waste management policies. With the revisions to the policies now agreed to by the parties involved, Appendix 5 becomes redundant and should be deleted along with all references to it in the Official Plan.
8. There were three instances where Appendix 5 was found in the text of the Official Plan apart from being listed in the Table of Contents. Two instances (4.9.12 and 4.9.14) are policies which will be deleted and replaced by the new policies. The other instance is in policy 4.10.12 which has already been approved by the Board through the partial approval of April 2013. I recommend that the last sentence of policy 4.10.12 be deleted as it would reference a non-existent appendix. This deletion would be a minor and technical adjustment which does not change the intent of the original policy.

Map Schedules 5.6.1 and 5.6.2


9. The revised policy framework will allow the accompanying map schedules to be modified by removing the D-4 Assessment Areas from around the waste disposal sites, as these will be reflected in the local map schedules only where it is more appropriate from an implementation stand point. Map Schedule 5.6.1 for the County owned waste disposal sites, and Schedule 5.6.2 for the Local Municipal and Private Sites will be modified based on the new policies, if approved, and will be brought forward at a later date for approval.

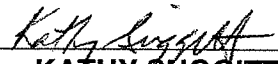
Summary Opinion

10. It is my professional planning opinion that the proposed new policies, 4.9.9 through 4.9.17 in Section 4.9 - Waste Management and related definitions as shown in **Exhibit "B"** accurately reflect the agreement reached by the experts involved in Phase 1c of this hearing and bring the policies into conformity with relevant

Provincial policy. The modifications are consistent with both the 2005 and 2014 versions of the Provincial Policy Statement and represent good planning.

11. I make this Affidavit in support of the County's request for an order of the Board to allow the appeal in part to modify and approve the replacement section 4.9 policies and related definitions and to delete Appendix 5 and all references to it found in the Official Plan.

SWORN BEFORE ME)
at the Township of Springwater)
in the County of Simcoe)
this 31st day of March, 2014.)
)
)
)
Commissioner for Taking Oaths, etc.)



KATHY SUGGITT

Amanda Flynn, Deputy Clerk
A Commissioner for the
Corporation of the
County of Simcoe

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS

31st DAY OF MARCH, 2014.

A handwritten signature in cursive script, appearing to read "Amanda Flynn", with a horizontal line underneath.

A Commissioner, etc.

Amanda Flynn, Deputy Clerk
A Commissioner for the
Corporation of the
County of Simcoe

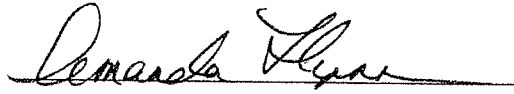
ATTACHMENT 2c

Issues List for Phase 1c

1. Section 4.9.20 to Section 4.9.24, being the policy to incorporate the D-4 Guidelines into the County Plan Policies which would be overly restrictive and would have the effect of unnecessarily placing the entire downtown areas in the communities of Alliston and Tottenham in a “holding” zone. *[Source - Appellant 32, Issue 1]*
2. Are the proposed waste management policies appropriate and consistent with Provincial laws and guidelines and the PPS? *[Source - Party B, Issue 1]*
3. Are the assessment areas within Collingwood depicted on Schedules 5.6.1 and 5.6.2 necessary, appropriate and consistent with Provincial laws and guidelines and the PPS? *[Source - Party B, Issue 2]*
4. Are the policies in the New County Official Plan with respect to waste disposal sites appropriate for the context of closed waste disposal sites and the risks posed by such sites? Are the proposed policies, including those related to holding symbols, appropriate for limiting the issuance of building permits? *[Source - Party D, Issue 5]*
5. Should the Waste Disposal Sites within the Town of Innisfil on Schedules 5.6.1 and 5.6.2 be adjusted so as to be consistent with the Town of Innisfil Official Plan and Zoning By-law? *[Source - Party D, Issue 6]*
6. Should policies be added to Policy 4.9 to encourage the investigation and removal of waste disposal sites? *[Source - Party D, Issue 21]*
7. Are the proposed Waste Disposal and D-4 Assessment Area policies and related provisions of the proposed County Official Plan justified and reasonable and do those policies and provisions provide appropriate policy guidance especially for existing and closed waste disposal sites? The issue applies to the policy provisions and sections of the proposed County Official Plan listed below (especially in so far as they apply to the Town of Midland):
 - a. All of that part of Section 4.9. beginning under the heading of “D-4 Assessment Areas” and including the Sub-sections beginning at 4.9.9 consecutive through to and including Sub-section 4.9.24;
 - b. Appendix 5 to the Official Plan entitled “D-4 Assessment Area Implementation”;
 - c. The related definitions in Section 5.8 including:
 - i. Assessment Area Environmental Study;

- ii. Assessment Areas, Waste Disposal Sites;
 - iii. Buffer Area;
 - iv. D-4 Approval Authority;
 - v. D-4 Assessment Area;
 - vi. D-4 Study;
 - vii. Fill Area;
 - viii. Guideline D-4;
 - ix. Sensitive Land Uses;
 - x. Waste Disposal Site. *[Source - Party F, Issue 1]*
8. Are Schedule 5.6.1 (County Waste Disposal Sites) and Schedule 5.6.2 (Private, Other Municipal and Government Waste Disposal Sites) accurate or do they require updating? *[Source - Party G2, Issue 18]*

THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS
31st DAY OF MARCH, 2014.

A handwritten signature in cursive script, appearing to read "Amanda Flynn", written over a horizontal line.

A Commissioner, etc.

Amanda Flynn, Deputy Clerk
A Commissioner for the
Corporation of the
County of Simcoe

Attachment “B” to Experts’ Report on Phase 1c

PL091167 – County of Simcoe Official Plan

Proposed Revised Section 4.9 of County Official Plan and related Definitions
The following policies would replace policies 4.9.9 through 4.9.24 which remain under appeal. Appendix 5 would also be deleted and all references to it in the Plan.
(Note: policies 4.9.1 through 4.9.8 were approved by OMB in April 2013)

- 4.9.9** The locations of *County* owned and operated *waste disposal sites* are shown on Schedule 5.6.1. The locations of private and *local municipality* owned or operated *waste disposal sites* are shown on Schedule 5.6.2. The locations of all *waste disposal sites* within each *local municipality* will be mapped in the respective *local municipal* official plans.
- 4.9.10** The recognized best practice to regulate land use on or near *waste disposal sites* is the Ministry of Environment *Guideline D-4* which provides that generally an area within 500 metres of a *waste disposal 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 site* or from the *Fill Area* of the *waste* for a closed site where the *Fill Area* is known.
- 4.9.11** The *Guideline D-4* allows for the *D-4 Assessment Areas* to be varied where the actual influence area of the *waste disposal site* has been determined to be less than the 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.
- 4.9.12** The *County* will determine the *D-4 Assessment Areas* for *County* owned or operated *waste disposal sites* in consultation with the *MOE*. For private and *local municipality* owned or operated *waste disposal sites* the *local municipality* will determine the *D-4 Assessment Area* in consultation with the *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*.
- 4.9.13** 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 *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 *MOE*. No amendment to this *Plan* is required; rather a *local municipal* official plan amendment is required to alter a *D-4 Assessment Area*.

- 4.9.14** *Sensitive land uses* shall normally not be permitted in the *D-4 Assessment Area* of an active *waste disposal site*.
- 4.9.15** Where *development* is proposed within the *D-4 Assessment Area* of a *County* owned *waste disposal site*, or where the *County* is the *D-4 Approval Authority*, *D-4 Studies* will be required and peer reviewed and their proposed conditions including mitigation and monitoring will be subject to the approval of the appropriate *County* staff and implemented accordingly.
- 4.9.16** Where *development* is proposed within the *D-4 Assessment Area* of a private or *local municipality* owned *waste disposal 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.

Definitions The following modifications to Definitions are also proposed:

ASSESSMENT AREA ENVIRONMENTAL STUDY means a report prepared by a *Qualified Person* to assess the *D-4 Assessment Area* to determine if the area included should be varied.

~~**ASSESSMENT AREAS, WASTE DISPOSAL SITES** refers to land areas adjacent to former and existing *waste disposal sites* where adverse environmental effects may be evident as a result of *waste disposal operations*. This is generally the area within 500 metres of the perimeter of the *waste disposal site* but may vary according to the physical characteristics of the land or type of *waste disposal operation*.~~

BUFFER AREA for *Waste Management Sites* means the area adjacent to the *Fill Area* for 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 *Waste Disposal Site* or at the direction of the Ministry of the Environment.

D-4 APPROVAL AUTHORITY for all *County* owned or operated *waste disposal sites* the *County* is the *D-4 Approval Authority*. For all private and *local municipality* owned or operated *waste disposal sites*, the *local municipality*, within which the property is located, is the *D-4 Approval Authority* if the *local municipality* has entered into a *D-4 Memorandum of Understanding* with the *County*, otherwise the *D-4 Approval Authority* is the *County*.

D-4 ASSESSMENT AREA refers to the lands ~~within the area defined on Schedules 5.6.1 and 5.6.2. This area is generally within 500 metres of the waste disposal site, or more specifically, the area shown on the applicable schedules in the local municipal official plans. The MOE considers the most significant contaminant discharges and visual problems to be within 500 metres of the Fill Area.~~ 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 sites. The *D-4 Assessment Area* size will be determined by the municipality who has *D-4 Approval Authority* for *D-4 Studies*.

D-4 STUDY is a study required to ~~determine the potential for negative impacts~~ 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 Site* set aside for landfilling.

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

SENSITIVE LAND USES means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive Land Uses* may be part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

SENSITIVE LAND USES (for Section 4.9 only) as defined under the *Guideline D-4* is any existing or committed land use which includes: a permanent structure used in Animal husbandry, or agricultural land used for pasturing livestock, or a permanent structure where a person sleeps, or a person is present on a full-time basis, but not including food or motor vehicle service facilities, adjacent to a highway, utility operations, scrap yards, heavy industrial uses, gravel pits, quarries, mining or forestry activities, or cemeteries.

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*.

WASTE DISPOSAL SITE includes the *Fill Area* and the *Buffer Area* of property which has been or is suspected to have been used as a landfill as well as 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).

OMB File No. PL091167

ONTARIO MUNICIPAL BOARD

**MOTION RECORD
PHASE 1c - D4 POLICIES**

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