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To: **Committee of the Whole**

Agenda Section: Corporate Services  
Division: Engineering, Planning and Environment  
Department: Solid Waste Management

Item Number: CCW - 2020-303

Meeting Date: October 13, 2020

Subject: Environmental Resource Recovery Centre – Project Update

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## **Recommendation**

**That Item CCW 2020-303, dated October 13, 2020, regarding Environmental Resource Recovery Centre – Project Update, be received.**

## **Executive Summary**

Since 2012, the County of Simcoe has been working on the Environmental Resource Recovery Centre (ERRC) to ensure that we have the necessary waste management infrastructure in place and to support the Province's long-term waste goals. The ERRC is an important project that provides certainty on organics processing costs and capacity for the next 30 years, protects taxpayers from escalating costs, will allow us to meet the provisions of the Provincial Food and Organics Waste Policy Statement and creates more than 100 direct and indirect local jobs.

The purpose of this item is to provide:

- An update on the status of the on-going land use approval process; and
- Additional studies currently being undertaken and next steps.

## **Background/Analysis/Options**

### The Planning Process to Date:

Initiated in 2014, the ERRC project has taken considerable time and resources to develop (~\$1.6M). In support of this project, County Council adopted County Official Plan Amendment (COPA) 2 on June 26, 2018. The Province of Ontario subsequently approved COPA 2 on November 30, 2018. COPA 2 was appealed to the Local Planning Appeal Tribunal (LPAT) by three parties, two of which are adjacent property owners and one that is an advocacy group formed in response to the proposed project.

In September 2019, the Province of Ontario issued an amendment to Transitional Regulation 311/06 under the *Places to Grow Act*, providing certainty around one of the main issues of all of the appellants, which is compliance with the Growth Plan Natural Heritage System policies. Under this regulation the ERRC is now exempt from Policies 4.2.2, 4.2.3 and 4.2.4 (being the Natural Heritage System policies) of the Growth Plan.

Despite provincial approval and the importance of the project in meeting County and Provincial interests, the development of the ERRC remains tied up in the planning process. During the last Case Management Conference (CMC) call, which took place on December 13, 2019, appellants were instructed to submit their issues list to LPAT for consideration by December 30, 2019. The list submitted by the opponents was long and very unspecific. It also renewed a challenge to the site selection process itself. In view of what was felt to be an improper approach by the opponents to the hearing, the County lawyers and those from the Province launched a motion to strike large parts of this proposed list, and to make certain issues more specific. That motion was filed with the LPAT in late January of this year.

Given the time and resources spent on the project to date, risk of losing available funding, planning and engineering costs already incurred, an apparent delay in getting a decision from the LPAT on the issues motion, and the importance of proceeding with development, in April 2020, County Council voted to pursue a Ministerial Zoning Order (MZO) from the Province. The County was recently informed of the Minister's decision to decline the MZO process and follow the LPAT process. Work on the ERRC was largely suspended pending the outcome of the LPAT motion and/or a decision on the MZO.

On September 18, 2020, the County received a decision from LPAT regarding the issues submitted in December 2019. The full LPAT decision is attached as Schedule 1. County planning and legal staff are satisfied with the outcome of the decision. The County's request to remove issues related to site selection and reference to the 2017 Growth Plan were granted. Additionally, the County's request to add the issue of consistency with the Province's Food and Organic Waste Policy Statement (FOWPS) was accepted. The FOWPS provides direction on waste reduction and resource recovery, including supporting the necessary infrastructure for resource recovery of food and organic waste. The County, along with the appellants, now have 15 days from September 18th to submit supplemental information and affidavits to LPAT and wait for the next CMC date to be scheduled. It is anticipated that a hearing date will be set at this CMC. The remaining issues to be addressed at a future hearing will be the consistency of COPA 2 with the Provincial Policy Statement 2020, FOWPS and the 2020 Growth Plan.

With this recent decision, the County will be starting the project back up. Below is an outline of the work completed to date and the upcoming milestones. A full timeline is provided in Schedule 2.

#### Project Development and Next Steps Technical

The majority of the site studies and monitoring are near completion, including;

- Fire Safety and Protection Plan
- Emergency Management Plan
- Wastewater and Stormwater Plan
- Groundwater monitoring
- Site Plan Approval and Environmental Compliance
- Noise Assessment

- Environmental and Wildlife Management Plans
- Update to the Traffic Impact Study (based on recent changes to curbside collection frequency to bi-weekly).

The remaining elements of the project include;

- Detailed design for the site servicing and site clearing;
- Detailed design for the Material Management Facility and Administrative Building;
- Development of the Request for Proposals for the above two items;
- Development and release of the Request for Pre-Qualification and Request for Proposals for the Organics Processing Facility (OPF);
- Construction of the site access road.

#### Project Development and Next Steps - Planning Approvals

September 18 – LPAT Decision issued on Issues List

- October/November 2020 – Case Management Conference # 5 – Set Date for Hearing of COPA 2
- December 2020 – CMC for Springwater OPA and ZBA – set date for LPAT Hearing
- April 2021 – LPAT Hearing for COPA2 and Springwater OPA and ZBA [Note: a decision will have to be made by the LPAT as to how these two hearings might be most expeditiously held together]
- May 2021 – Decision Issued on COPA2 and Springwater OPA and ZBA
- June 2022 - Application for Site Plan Approval and Environmental Compliance Approval

*Note – dates are approximate and subject to scheduling by LPAT*

#### Key Financial and Environmental Considerations for Development of the ERRC:

##### *1. Costs and Economic Benefits*

- The development of the ERRC will create more than 100 direct and indirect local jobs.
- Result in a local capital infrastructure investment in the range of \$35-\$50 million.
- Save taxpayers approximately \$1.6 million per year in waste transfer and haulage costs.
- Provide certainty on organics processing costs and capacity for the next 30 years, protecting taxpayers from cost escalation.
- Will allow the County and its residents/businesses to recover and sell valuable resources, such as compost/soil amendment products, to the County's local agricultural community.
- A payback on the facility in six years for the transfer component and 15 to 20 years for the organics processing component.
- Allow the County to meet the provisions of the Food and Organic Waste Policy Statement
- The ERRC will provide waste infrastructure support to all our 16 municipalities and the anticipated growth in the County.

##### *2. Alignment with Provincial Policy and County Diversion Objectives*

- The Province has set aggressive targets of 70 per cent food waste reduction by 2023 (Food and Organic Waste Policy Statement 2018), the ERRC will support these goals while also assisting the County with its own diversion targets.
- With a design capacity of 30,000 tonnes per year, this critical infrastructure will increase much needed organics processing capacity in the Province.

- The Province has already shown support for the ERRC project by approving the County OPA as well as providing transitional rules for *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* in October 2019 and providing support for our case at the LPAT

### 3. Environmental Benefits

- Reduce associated greenhouse gas emissions from currently hauling organic materials to Elmira (currently travelling 13,000 kilometres per month) for processing.
- Allow for the acceptance of additional materials in the County's green bin program, increasing diversion from landfill.
- Beneficial agricultural use of compost or soil amendment products created by the organics processing facility.
- The ERRC will take up just 5% of the 207 acre Freele Tract, with 95% of the trees remaining on the site to provide a natural buffer. The County has already completed a compensation plan and replanted forest at a 3:1 ratio (40 acres).

## Financial and Resource Implications

Proceeding through the LPAT process has already delayed the project and will continue to do so. In addition to the internal and external resources this requires, the County is also jeopardizing the provincial grant received from the Continuous Improvement Fund, a total of \$2.2 million, if this project is not operational by the end of 2023.

Previous budgets have approved by Council to carry out the next phase of the project including development of the detailed design and OPF procurement documents. Anticipated expenses for 2021 include:

- detailed design for the site and foundation works for the ERRC - \$467,000
- Organics processing facility procurement preparation; including request for expression of interest and request for proposals - \$124,000

## Relationship to Corporate Strategic Plan

In regard to long-term processing of organics, the Solid Waste Management Strategy (Strategy) recommended development of a centralized composting facility within the County. Public input indicated support for in-County processing as well as for the addition of pet waste and diapers to the program. This item also supports the Strategy recommendation to develop transfer capacity infrastructure to manage garbage and recyclables generated within the County.

## Reference Documents

- Item CCW 2020-064 – Confidential ERRC MZO Request
- Item CCW 2019-052 - ERRC Update
- Item CCW 2019-058 – Notice of Appeal Regarding County of Simcoe Official Plan Amendment No. 2 (ERRC) (February 12, 2019)
- Item CCW 2018-320 – Request for Adoption – County of Simcoe Official Plan Amendment No. 2 (June 12, 2018)
- Previous staff reports, consultants' technical reports, communication material from public information and consultation sessions, and minutes of Community Engagement Committee meetings can be found at [www.simcoe.ca/errc](http://www.simcoe.ca/errc).

**Attachments**

Schedule 1 - LPAT Decision  
Schedule 2 - Future ERRC Timeline

**Prepared By:** Jen Slykhuis, Special Projects Supervisor

**Approvals:**

Rob McCullough, Director, Solid Waste Management  
Debbie Korolnek, P.Eng., General Manager, EPE  
Trevor Wilcox, General Manager, Corporate Performance  
Mark Aitken, Chief Administrative Officer

September 7, 2020  
September 25, 2020  
October 4, 2020  
October 5, 2020