

April 28, 2017

Friends of Simcoe Forests Inc.  
c/o Mrs. Mary Wagner  
2928 Horseshoe Valley Road West  
Phelpston, ON  
L0L 2K0



Dear Mrs. Wagner:

**Re: County of Simcoe Environmental Resource Recovery Centre  
Regional and Local Official Plan Amendment and Zoning By-Law Amendment  
Files: SC-OPA-1602, OP-2016-005 and ZB-2016-021  
2976 Horseshoe Valley Road West  
Township of Springwater**

I have reviewed the following reports, prepared by the County of Simcoe, in support of the above noted applications:

- *County of Simcoe Materials Management Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria*, prepared by Conestoga-Rovers & Associates, dated February 2015;
- *County of Simcoe Organics Processing Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria*, prepared by Conestoga-Rovers & Associates, dated February 2015;
- *County of Simcoe – Materials Management Facility, Part 2 – Long List Evaluation*, prepared by GHD, dated July 12, 2015;
- *County of Simcoe – Organics Processing Facility, Part 2 – Long List Evaluation*, prepared by GHD, dated July 23, 2015;
- *County of Simcoe Organics Processing Facility, Materials Management Facility and Co-Located Facility, Part 3 – Short List Evaluation*, prepared by GHD, dated February 26, 2016;
- *Scoped Environmental Impact Study, Proposed Environmental Resource Recovery Center, Springwater, Ontario*, prepared by GHD, dated November 17, 2016;
- *Planning Justification Report, Proposed Environmental Resource Recovery Center, Springwater, Ontario*, prepared by GHD, dated November 17, 2016;
- *Agricultural Impact Assessment Report*, prepared by AgPlan, dated November 16, 2016;
- *Environmental Resource Recovery Centre ‘Get the Facts’, 2976 Horseshoe Valley Road West, Springwater, County of Simcoe, September 2016*;
- *County of Simcoe Environmental Resource Recovery Centre, Summary of Consultation and Notification (to December 2016)*; and,

- Neighbourhood Landowner Meeting, Final Meeting Notes and Follow-Up, Thursday September 8, 2016.

In preparing my professional opinion on the proposal, I have also referenced the following documents:

- *Planning Act* and Provincial Policy Statement (2014)
- *Environmental Assessment Act*, Ontario Regulation 101/07 and the *Guide to Environmental Assessment Requirements for Waste Management Projects*
- Simcoe County Official Plan (2016)
- Springwater Official Plan (1998) and Comprehensive Zoning By-Law (2004)
- Ministry of Environment and Climate Change *Statement of Environmental Values*
- Simcoe County Forests 2011-2030
- *Guidelines for the Siting and Operation of Waste Transfer Stations*, Nova Scotia Environment and Labour, 2006
- *Environmental Standards for Municipal Solid Waste Transfer Stations / Local Waste Management Facilities, Guidance Document*, Newfoundland and Labrador, 2010
- *Waste Transfer Stations: A Manual for Decision-Making*, United States Environmental Protection Agency, 2002
- Letter to Friends of Simcoe Forests Inc., prepared by Dougan and Associates Inc., dated April 28, 2017; and,
- Letter to County of Simcoe from Nottawasaga Valley Conservation Authority, dated March 2, 2017, NVCA ID #30106

I will be able to provide more detailed comments shortly however, in an effort to provide the Friends of Simcoe Forests Inc. with comments to submit to the County in advance of their Public Meeting on May 9, 2017, I have prepared the following summary letter.

### **Overview**

In 2010, the County of Simcoe approved a Solid Waste Management Strategy. Within that strategy, it was recommended that the County assess the development of a central composting facility as well as assess the long-term requirements for collection and processing of organics and recycling and waste export. The Strategy further recommended that consideration be given to developing a transfer station type facility. In August 2014, County Council endorsed Conestoga-Rovers & Associates (CRA) to determine an optimal site for a transfer facility, referred to as a Material Management Facility (MMF) as well as an Organics Processing Facility (OPF). The siting for these two facilities began as independent searches with specific, but similar, siting criteria. The methodology and evaluation criteria for siting the MMF and OPF is outlined in the CRA reports entitled *County of Simcoe Materials Management Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria* (February 2015) and the *County of Simcoe Organics Processing Facility, Part 1 – Planning – Siting Methodology and Evaluation Criteria* (February 2015), respectively. The purpose of the Part 1 studies was the same for both the OPF and the MMF; that is, the Part 1 study was to establish the framework for how the potential sites would be identified and evaluated by defining the search area, identifying a comprehensive list of candidate sites (including County-owned and privately owned sites) and establishing a series of criteria to screen



and evaluate potential sites. The Part 1 study created a list of exclusionary criteria that would be used to screen the comprehensive list of candidate sites. These exclusionary criteria are referred to as Screen 1. Screen 1 was applied to arrive at a long list of sites which would then be screened against a second set of criteria referred to as Screen 2.

The next set of reports are the Part 2 – Long List Evaluations for the MMF and OPF, prepared by GHD (formerly CRA), dated July 12 and July 23, 2015, respectively. The Part 2 reports include the Screen 2 criteria that were used to create a short list of sites which were then vetted through the final screen, referred to as Screen 3.

The final report associated with the siting process is the *Part 3 – Organics Processing Facility, Materials Management Facility and Co-Located Facility Short List Evaluation*, prepared by GHD dated February 26, 2016. This report combines the OPF and MMF selection process into one document and evaluates the short list of properties, identified in the respective Part 2 reports, to determine whether it is appropriate to continue siting these facilities independently or whether it would be appropriate to co-locate the two facilities on one site. Screen 3 was applied to the short-listed sites and each were subjected to a comparative evaluation process to identify a preferred location that has an appropriate balance of strengths (advantages) and weaknesses (disadvantages) and evaluated to determine how well the site satisfies the goals and objectives of the project. Of note, the comparative evaluation did not include site-specific Environmental Impact Studies for each site to determine whether they could meet the federal, provincial, County and local natural heritage policies. Rather, this evaluation was deferred until the preferred site was selected. A preferred location for the co-located site is identified in the Part 3 report as 2976 Horseshoe Valley Road in Springwater, a wooded parcel known as the Freele County Forest (Tract). In addition to the OPF and MMF, the preferred site is also intended to include a Solid Waste Management truck servicing area, a public education area and the potential for future expansion to include a recycling sorting facility. These additional uses were not noted in either the Part 1 or Part 2 reports.

The preferred site is within the Greenlands designation of the current County of Simcoe Official Plan. Waste disposal sites are not a permitted use within the Greenlands designation so the County has initiated an Official Plan Amendment (SC-OPA-1602). The proposed amendment is as follows:

- Modifying Schedule 5.6.1 by (a) renaming Schedule 5.6.1 “County Waste Disposal Sites” to Schedule 5.6.1 “County Waste Management System”; (b) adding Environmental Resource Recovery Centre to the legend; and, (c) adding a symbol for Environmental Resource Recovery Centre to the Schedule within Part Lot 2 Concession 1 Springwater Township.
- The addition of the following Section and text after Section 4.9.17:

*Section 4.9.18, Environmental Resource Recovery Centre  
Part of Lot 2, Concession 1, Springwater (2976 Horseshoe Valley Road)*

*Permitted uses on a portion of Part of Lot 2, Concession 1, Springwater Township (2976 Horseshoe Valley Road) as identified on Schedule 5.6.1 as Environmental Resource*



*Recovery Centre shall include facilities for the purpose of the consolidation and transfer of various waste streams such as organics, recyclable materials and non-hazardous household garbage, processing of organic green bin materials under controlled conditions for conversion into other materials. Other ancillary uses would include a public education area, truck maintenance and servicing area and facility administration area. The temporary storage of waste is permitted on the lands but no permanent disposal of waste materials or landfilling of any kind is permitted within the lands subject to Section 4.9.18.*

The County has also submitted applications to the Township of Springwater for an Official Plan and Zoning By-Law Amendment (OP-2016-005 and ZB-2016-021). Within the Springwater OP, the site is designated Rural and Agriculture on Schedule A-2 and Environmental Protection Category 2 on Schedule B. Section 2.20.4 of the Springwater OP requires that the establishment of new waste disposal sites shall require an amendment to the OP. The property is zoned "A" Agriculture in the Springwater By-law 5000. The Agricultural zone does not permit waste disposal sites which has triggered the need for a Zoning By-Law Amendment.

In addition to the three site selection reports, supporting documentation has been prepared for the proposed preferred site as part of the Official Plan and Zoning By-Law Amendment applications. These include a Scoped Environmental Impact Study, Planning Justification Report, Agricultural Impact Assessment and Hydrogeological Assessment.

### **Site Selection Process**

The following is a summary of concerns with respect to the Part 1-3 documents:

1. The documents do not contain sufficient reference to the *Planning Act* and Provincial Policy Statement (PPS). The Screen 1 Evaluation Criteria should have, at a minimum, included the avoidance of the habitat of endangered species and threatened species. Without this criterion, the Screen 1 evaluation is not consistent with the PPS. In addition, Screen 1 Evaluation Criteria could have taken a conservative, and best practices, approach and eliminated all sites within the Council approved Greenlands designation from the list of candidate sites;
2. Sites with natural heritage features (such as County Forests) were allowed to advance to Screen 2 based on additional environmental screening taking place at that stage however, Screen 2 evaluation criteria includes no specific reference to any natural heritage features;
3. When establishing evaluation criteria, reference is made to technical documents from other Provinces and the United States with no clear reference to technical documents created pursuant to the PPS for evaluating impacts to natural heritage features and functions, such as the Ministry of Natural Resources and Forestry (MNRF) *Natural Heritage Reference Manual 2<sup>nd</sup> Edition* (2010) and the MNRF *Significant Wildlife Habitat Technical Guide* (2000) both prepared in support of the PPS Natural Heritage policies;
4. Screen 3 evaluation criteria refer to demonstrating 'no net effects' on the environment which is not the same as the 'no negative impact' test established by the PPS. As such, the Screen 3 evaluation is not consistent with the policy requirements of the PPS, County of Simcoe OP and Springwater OP;
5. The County's stated preference for finding a site that is already owned by the County resulted in the inclusion of County-owned forests in the site selection process. 82.5% of



- the County-owned sites that are included in the candidate sites are County Forests and 50% of all the candidate sites are County Forests;
6. After Screen 1 is applied, 70% of the MMF long-list sites are County Forests and 77% of the OPF long-list sites are County Forests. After Screen 2 is applied, 4 out of 5 of the MMF short-list sites are County Forests (80%) and 5 out of 7 of the OPF short-list sites are County Forests (71%). The preponderance of County Forests in the list of candidate sites, the lack of consideration for natural heritage features such as habitat of endangered and threatened species, significant woodlands and significant wildlife habitat as exclusionary criteria in the Screen 1 and 2 stages and the consideration of 'no net effect' rather than the PPS requirement of 'no negative impact' has led to the identification of a short-list of sites that may not be consistent with the PPS, County and Local OP policies;
  7. The County is relying on the out-of-date Springwater OP and zoning designations whereas they would be aware that the OP and Zoning By-Law will need to be brought into conformance with the County OP thereby resulting in the County Forests having a Greenlands designation at the local level;
  8. The Springwater OP policies would suggest that the County Forest sites would, at a minimum, meet the Natural Heritage (Environmental Protection) Category 2 criteria however, the mapping has not been updated;
  9. The Part 3 report concludes that co-locating the facilities is appropriate, contrary to a staff recommendation made earlier in the process. The issues and concerns raised by staff previously, in relation to a co-located facility, have not been addressed in the report;
  10. The Part 3 report introduces additional uses to the site (truck maintenance facility, public education area, potential future expansion/recycling sorting facility) that were not considered during the Part 1 and 2 reports; and,
  11. At a minimum, 72% of the written comments received from the public, as documented in the Part 3 report, requested that the County not consider the placement of these facilities within natural areas and, more specifically, not within County Forests. In addition, a total of 1,320 signatures were collected on petitions speaking out against the use of several of the County Forests under consideration in the short-list evaluation. The report does not provide sufficient discussion with respect to how the County considered these numerous and valid concerns throughout the site selection process.

In my opinion, for the siting methodology and evaluation criteria to be consistent with the PPS, and to be transparent as a decision-making tool, the reports should have included substantial discussion and reference to the *Planning Act* and the relevant PPS policies. In addition, to be consistent with the PPS, Screen 1 exclusionary criteria should have been to, at a minimum, **avoid** the habitat of endangered and threatened species, in addition to Provincially Significant Wetlands and floodplains. However, in addition to those exclusionary criteria, given: (1) the screening size criteria of the two facilities, including facility and buffer (OPF 13ha; MMF 7ha); (2) the purported reliance on the MOECC SEV; (3) the four principles upon which the siting and development of the facilities are to be based on; and, (4) the PPS natural heritage requirements, it would seem reasonable to assume, in an effort to be conservative, that a facility of the anticipated size(s) would likely not be able to be constructed within an area of natural heritage significance without having a negative impact on the natural features or their ecological functions. As such, to be conservative, and to follow best practices of other municipalities, it would have been appropriate to eliminate any sites meeting these criteria, through Screen 1. Alternatively, if the County wanted to keep their options open with respect to undertaking additional environmental evaluations (as



provided for in PPS Policy 2.1.5), certain natural heritage features could have been included in the evaluation criteria and, if properties passed all other exclusionary criteria, the property could have been carried forward to the Part 2 study for further consideration and closer and more detailed environmental evaluation. However, this additional evaluation during the Part 2 study would need to include natural heritage features and functions related specifically to significant woodlands, significant wildlife habitat, fish habitat, significant valleylands and areas of natural and scientific interest, something that was not done as part of this process.

### ***Proposed Preferred Site - Site Specific Studies***

#### ***Scoped Environmental Impact Study, GHD, November 17, 2016***

The purpose of the Scoped Environmental Impact Study (EIS) is to evaluate the proposed Environmental Resource Recovery Centre (formerly OPF/MMF) at 2976 Horseshoe Valley Road against the PPS requirements related to natural heritage and water. As this is mainly an ecological analysis, I will defer most the review to Dougan and Associates and rely on their professional opinion with respect to whether the fieldwork and analysis has demonstrated no negative impact to the following: Provincially Significant Wetlands, habitat of endangered and threatened species, significant woodlands, significant wildlife habitat, significant valleylands, significant areas of natural and scientific interest and fish habitat. My review relates to the policy context of the assessment as well as some of the assumptions/conclusions that were drawn before and during the assessment.

**Section 2 (Existing Conditions, Natural Features and Resources)**, Table 2.1 lists Secondary Source Information Reviewed. The list is missing the Provincial Policy Statement as well as the Springwater Official Plan. In addition, 'Freele County Forest management documents' are listed however, no specific reference is provided. A copy of these management documents should be provided as it appears that they are being relied upon as part of this report.

**Section 3 (Preliminary Development Plan)** describes the proposed development and refers the reader to GHD's *Facility Characteristics Report*, provided under separate cover, for additional details. A site concept plan/layout is not included in the EIS for the reader to reference. There is no discussion of grading works that may be required to facilitate the entrance, site preparation, staging areas, etc. and the associated potential negative environmental impacts.

**Section 4 (Regulatory/Policy Framework)** provides a brief outline of the Springwater and County OP, the Nottawasaga Valley Conservation Authority, Species at Risk Legislation and Provincial Policy Statement. Given that the detailed natural heritage policy implications have been deferred to the EIS, the report should have contained a robust explanation of all the applicable PPS policies, County and Local OP policies, and federal/provincial legislation.

Within **Section 4.5 (Provincially Policy Statement)**, GHD states, "*Overall, the proposed ERRC footprint of 4.5ha represents an extremely small disturbance to a greater than 475ha contiguous woodland of the 32,000ha Simcoe County Forest (less than 1% and 0.01% respectively)*". It is unclear why this statement is made given that this fact has nothing to do with the on-site evaluation that GHD has been tasked with undertaking. The size of the overall feature is only one aspect that needs to be considered when evaluating significance. Reference to the overall



landholdings of the County (32,000 ha) also suggests that the author is minimizing the potential impacts associated with the proposed development. The overall amount of landholdings by a municipality is not a criterion upon which to determine significant or to measure negative impact.

Also within **Section 4.5**, with respect to significant woodlands, GHD concludes that, based on the size of wooded area, the Study Area contributes to an interior forest habitat that meets the County's minimum size criteria for consideration as a Significant Woodland. Unfortunately, the report then goes on to state that this function (interior forest habitat) is temporary because the property (and ERRC footprint) is part of a managed and actively harvested woodlot. In my opinion, this conclusion is false and it is unclear what fact(s) that author is using to support this conclusion. To remove the interior forest habitat, much of the site would need to be clear cut. Over a period of 69 years (1948 – 2017) such a forestry practice has not taken place on this tract nor does the County Forest Plan suggest that such a practice is contemplated on any County tracts. In fact, through good forestry practices, such as those practiced by the County according to their County Forest Plan, selective harvesting would have no impact on the extent of interior forest habitat. Building on their conclusion, GHD then states that, '*As an actively managed and harvested plantation woodlot, the proposed ERRC footprint and immediately adjacent areas does not exhibit uncommon characteristics or economic and social functional values as defined in the Natural Heritage Reference Manual (MNR, 2010).*' I will defer to Dougan and Associates' analysis of significance however, I would recommend that GHD is building on an erroneous statement with respect to interior forest habitat so the accuracy of the follow-up conclusion must be questioned.

Finally, within **Section 4.5**, GHD concludes that the site does not meet the criteria of Significant Wildlife Habitat. This analysis takes place within one paragraph of the report. I will defer to Dougan and Associates with respect to their opinion as to whether it has been demonstrated that Significant Wildlife Habitat does not exist however, I would have expected the analysis to have been much more robust considering that a minimum of 4.5 ha of wooded area is proposed for removal to facilitate the footprint of the ERRC. Additional impacts associated with the need to widen the existing trail to create a driveway of an appropriate width to accommodate the truck traffic, the relocation of the existing trail and the potential for future expansion also requires additional consideration in the evaluation of no negative impacts.

As stated previously, GHD and the County are relying on a test of **no net effects**. This is further demonstrated through the suggestion in the report that the loss of forest cover can be compensated through the planting of trees elsewhere to offset the loss. Such an approach is not consistent with the PPS requirement to demonstrate **no negative impact**. The proponent must first demonstrate that the proposed development will not have a negative impact on the feature and/or function and only then, if no negative impact is demonstrated, can there be a suggestion of mitigation measures such as off-site tree planting. Even if one was to accept that off-site tree planting could be contemplated as a mitigation measure, the County should be obligated, as part of the EIS and Official Plan Amendment process, to identify where such a location exists that could accommodate 4.5 - 9ha of tree planting (based on a 1:1 or the preferred 2:1 ratio of planting expressed by GHD on page 23). If such a parcel of land is not already in County ownership, presumably the previous evaluation matrix (Parts 1 – 3 of the siting process) should have considered the cost of purchasing such a parcel as well as the cost of tree planting and maintenance. The parcel not only needs to be large enough to accommodate the 4.5 - 9ha worth



of planting, it would also need to be an environmentally appropriate site that is adjacent to existing Greenlands, etc.

I have reviewed the letter prepared by Dougan and Associates dated April 28, 2017. Based on that letter, in their professional opinion, the County has not demonstrated no negative impact on significant woodlands, significant wildlife habitat or the habitat of endangered and threatened species. As such, from a planning perspective, the Scoped EIS has not demonstrated that the proposed development is consistent with the requirements of the *Planning Act*, PPS and County OP. As a result, the Official Plan Amendment should not be approved as it does not meet the requirements of the Province or County.

I have also reviewed the comments provided by the Nottawasaga Valley Conservation Authority (NVCA) dated March 2, 2017. The NVCA raises similar concerns to those raised by Dougan and Associates related to insufficient documentation in the report to support the conclusion that significant wildlife habitat does not exist on the property.

### ***Planning Justification Report, GHD, November 17, 2016***

The Planning Justification Report provides an analysis of many of PPS policies including those related to Land Use Compatibility, Infrastructure and Public Service Facilities, Waste Management, Natural Heritage, Water and Agriculture. With respect to Natural Heritage, the report relies on the assumptions and conclusions of the Scoped EIS which, as outlined above, has not, in my opinion, demonstrated consistency with the PPS.

Within **Section 6.1** (County of Simcoe Official Plan – Greenlands Section 3.8), the report concludes that the development of the ERRC will not result in a negative impact as defined in the PPS based on: the proposed location of the ERRC; the plantation history of the Site; the actively managed nature of the Study Area; and, the implementation of the recommended mitigation measures, which adequately avoid, compensate and replace natural features (i.e. vegetation plantings) within the wider wooded feature. **Section 10.2** (Scoped EIS & Natural Hazard Land Assessment) again concludes by stating that no net environmental impacts on the larger woodlot feature are anticipated from the development of the proposed ERRC. These conclusions reflect the erroneous inclusion of mitigation measures, and the concept of no net impacts, when determining whether a proposed development will have a negative impact on the natural heritage system, which is inconsistent with the requirements of the PPS.

### ***Summary/Recommendation***

Given the requirements of the PPS related to natural heritage and, the resulting OP requirements, it has been my experience that many municipalities make every effort to avoid the placement of infrastructure within the natural heritage system. Many municipalities have policies that only allow for the consideration of *essential* infrastructure (such as roads or utilities) within the natural heritage system and, in such cases, only if the placement of the infrastructure is supported by an Environmental Assessment. In doing so, they model the very behaviour that their OPs are expecting of the general public – that natural heritage systems are to be identified, conserved and protected from the impacts of development.




Based on my review of the Part 1 – 3 siting documents, it is my opinion that the site selection process is not consistent with the *Planning Act* requirements pursuant to the Provincial Policy Statement natural heritage policies as sufficient consideration has not been given to PPS policies 2.1.1 through 2.1.8. In addition, the site-specific documents prepared in support of the Official Plan and Zoning By-Law Amendments are also not consistent with the PPS as it has not been demonstrated that the proposed development will have no negative impact on, at a minimum, significant woodlands and significant wildlife habitat as required by PPS policies 2.1.2, 2.1.5 and 2.1.8. Additional fieldwork by Dougan and Associates may identify other portions of the PPS natural heritage policies that should be addressed in greater detail.

As a result of the above, it is my opinion that the amendments are not consistent with Section 2 of the PPS, County of Simcoe Official Plan policies 3.3.15, 3.8.19 and 3.8.22 or the Springwater Official Plan policies 16.2.1.2(ii)(c), 16.2.1.3(iii), 16.2.1.3(vii), 16.2.1.4.1(c)(ii), 16.2.1.4.2(b)(i)(iii)(vi) and 16.2.1.4.2(c)(i)(e).

I trust the above is of assistance. If you require additional information, please do not hesitate to contact me.

Yours truly,



Jennifer Lawrence, MCIP, RPP  
President