

10.0 Other Approvals

The following section describes the additional approvals required for this Undertaking.

10.1 Municipality of Chatham-Kent

The following provides a description of the necessary approvals/permits that will be sought following EA Approval from the Municipality of Chatham-Kent.

10.1.1 Municipal Drainage Act

An approval under the *Municipal Drainage Act*²²⁸ will be required for the relocation of the Howard Drain. A Drainage Report will be prepared to support the approval application. The application will be through the Municipality of Chatham-Kent's Drainage Superintendent.

10.1.2 Municipality of Chatham-Kent Official Plan

Waste Connections will submit an Official Plan Amendment to Municipality of Chatham-Kent to amend the Official Plan following approval of the EA. Many of the current Official Plan policies are general and apply to all landfill sites; however, the more specific ones which relate to the Ridge Landfill will need to be consolidated, as there are currently numerous small irregular land parcels that make up the Waste Connections site in the Official Plan policies.

Aside from the textual changes, the main change will be to the Land Use Designation Maps. The consolidation of land parcels to reflect the current and future waste management functions on-site will necessitate a change of designation to "Waste Management Site", with the exception of the two (2) existing woodlots which will maintain their current designation of "Open Space/Conservation Lands". The "Agricultural", "Agricultural Buffer" and "Open Space/Conservation Lands" designations will be removed for areas used for landfill and waste management operations.

10.1.3 Zoning By-Law

Waste Connections will submit a Zoning By-law Amendment to Municipality of Chatham-Kent to amend the Comprehensive Zoning By-law following approval of the EA. The existing zoning by-law document requires amendments similar to the Official Plan in that many land parcels with differing designations have been added over the years. The revision requires the refinement of the current range of general and specific permitted land uses that apply to the multiple land

²²⁸ Government of Ontario (1990d). *Drainage Act*, R.S.O. 1990, c. D.17. Available at: <https://www.ontario.ca/laws/statute/90d17>

parcels, and rezones the consolidated parcel into a designated “Landfill” (LF) zone with three (3) site specific sub-areas:

- Main area that is currently and proposed to be landfill areas;
- Ancillary area to the north that will continue to support landfilling activities; and
- Ancillary area to the southeast that will continue to support landfilling activities.

The by-law amendment application would also include the addition of an "Open Space" zoning designation on the property east of Erieau Road where trees are to be planted and protected. The “Open Space” zoning designation that applies to the two (2) existing woodlots that will be left on-site remains unchanged.

10.1.4 Site Plan Control Agreement

Under the Municipality of Chatham-Kent’s By-law designating the community as a Site Plan Control Area pursuant to Section 41 of the *Planning Act* R.S.O. 1990²²⁹, an amendment to the Ridge Landfill’s Site Plan Control Agreement will be required as a result of the landfill expansion. Similar to the OP and Zoning By-law amendments proposed, many of the same documents will be required for this agreement revision. Approval of the amendment to the existing site plan control agreement is conducted by municipal council for projects with an estimated construction budget of greater than \$2.0 million under the advisement of the Director of Planning Services. The revised site plan control agreement is registered against the land to which it applies subject to the provision of the *Registry Act* and the *Land Titles Act* R.S.O. 1990, and any and all subsequent Owners of the Ridge Landfill. Financial security will be calculated based on the estimates cost of works proposed, to ensure the satisfactory completion of the works stipulated in the agreement. The timing of the revised agreement will occur later than the other municipal approvals, as it needs to be completed closer to start of construction. Ministry of the Environment, Conservation and Parks

The following section provides a description of the necessary approvals that will be obtained from the MECP.

10.2 Environmental Compliance Approval Amendment

Landfill sites are a unique type of business requiring an environmental compliance approval (ECA) approval or amendment of an existing ECA, from the MECP as set out in the *Environmental Protection Act*. Supporting documents that must accompany Waste Connections’ applications for

²²⁹ Government of Ontario (1990b). *Planning Act*. Available at: <https://www.ontario.ca/laws/statute/90p13>

amendment to the current ECAs consists of documents assembled for the EA approval process, such as: Atmospheric, Groundwater, Surface Water, Natural Environment, Noise, and Preliminary Design and Operations components. These will be reviewed by MECP experts in those disciplines and the resulting document received from the MECP will set out specific conditions that must be met or followed at the Ridge Landfill Site.

10.2.1 Permit to Temporarily Remove Eastern Meadowlark Habitat (if needed)

Under the *Endangered Species Act*²³⁰, the removal of the landfill cap from the Old Landfill will temporarily remove habitat for eastern meadowlark. Impacts to eastern meadowlark and their habitat can be registered under s23.6 (bobolink, eastern meadowlark) so long as ≤ 30 ha of habitat is removed and the conditions of the regulation are followed. Although the total area to be removed is larger than 30 ha, the actual area of habitat to be removed will be less than 30 ha. The removal is temporary and there is other similar habitat on-site. In the event the conditions of the regulation cannot be met, the MECP would be consulted to determine whether permitting/approval under the *Endangered Species Act* is required.

On September 13, 2019, Waste Connections received an email from the MECP noting that the Ministry has reviewed the IGF. The Ministry determined that the activities associated with the proposed expansion will not likely contravene Section 9 and/or Section 10 of the *Endangered Species Act*. As no permit is required, Waste Connections will register the project under *O.Reg. 242/08*, under s23.6 (bobolink, eastern meadowlark) as per the LOA provided by MECP.

10.3 Summary of Surface Water Permit and Approval Requirements

A summary of the surface water permit and approval requirements associated with the proposed site expansion is provided below in **Table 10-1**.

²³⁰ Government of Ontario (2007). *Endangered Species Act*, 2007, S.O. 2007, c. 6. Available at: <https://www.ontario.ca/laws/statute/07e06>

Table 10-1: Summary of Permits and Approvals

Relevant Legislation	Description of Proposed Site Expansion Works	Permit/Approval Requirement
<i>Drainage Act, R.S.O. 1990</i>	<ul style="list-style-type: none"> Howard Drain relocation. Expansion of flood control facility. 	Drainage assessment and report must be completed by qualified land drainage engineer appointed by Chatham-Kent Drainage Board.
<i>Conservation Authority Act, R.S.O. 1990</i>	<ul style="list-style-type: none"> Howard Drain relocation. Expansion of flood control facility. 	Permit required under <i>O.Reg. 152/06</i> : Lower Thames Valley Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.
<i>Ontario Water Resources Act, R.S.O. 1990</i>	<ul style="list-style-type: none"> Modifications to onsite drainage system. New and expanded SWM ponds. Expansion of flood control facility. 	Amendment required for Environmental Compliance Approval for Private Sewage Works.
<i>Fisheries Act</i>	<ul style="list-style-type: none"> Howard Drain relocation. Expansion of flood control facility. 	Request for Review must be submitted to DFO. Fisheries Act Authorization could be required if deemed necessary by DFO.