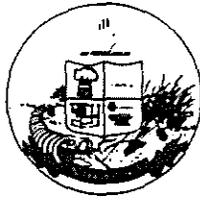


I, JOHN D. LEACH, City Clerk of The Corporation of the City of Vaughan in the Regional Municipality of York, do hereby certify that the attached is a true copy of Amendment Number 273 to the Official Plan of the Vaughan Planning Area which was effect by The Consolidated Hearings Board on the 11th day of April, 1988.



J.D. Leach
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 15th day of September, 1995.



THE TOWN OF VAUGHAN BY-LAW

BY-LAW NUMBER 42-89

A By-law to designate by Number Amendment Number 273 to the Official Plan of the Vaughan Planning Area, as effected by The Consolidated Hearings Board.

The Council of The Corporation of the Town of Vaughan ENACTS AS FOLLOWS:

1. THAT Amendment Number 273 to the Official Plan of the Vaughan Planning Area as effected by an Order of The Consolidated Hearings Board (CH-87-04), dated the 11th day of April, 1988, is hereby designated as By-law Number 42-89.

READ a FIRST and SECOND time this 6th day of February, 1989.

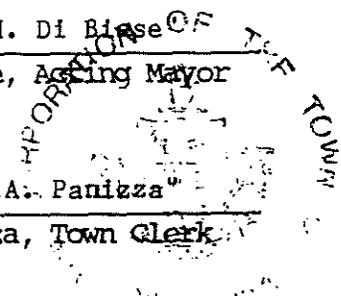
"M. Di Biase"
M. Di Biase, Acting Mayor

"R.A. Panizza"
R.A. Panizza, Town Clerk

READ a THIRD time and finally passed this 6th day of February, 1989.

"M. Di Biase"
M. Di Biase, Acting Mayor

"R.A. Panizza"
R.A. Panizza, Town Clerk





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APR 18 1988

**TOWN OF VAUGHAN
LEGAL DEPT.**

TOWN CLERK	
DATE	APR 18
C.A.O.	
TOWN SOLICITOR	<input checked="" type="checkbox"/>
TOWN CLERK	
DIR. HUMAN RESOURCES	
TOWN TREASURER	
FIRE CHIEF	
DIR. PROPERTY & PARKS	
DIR. BUILDING STANDARDS	
TOWN ENGINEER	
PLANNING DIRECTOR	
RECREATION DIRECTOR	
FILE	

**The Joint Board
THE CONSOLIDATED
HEARINGS ACT, 1981**

NOTE: SEE PAGE 16 FOR OFFICIAL
PLAN 273

CH-87-04

IN THE MATTER OF an undertaking by The Municipality of Metropolitan Toronto to alter the existing eastern and northern boundaries of the Keele Valley Landfill Site for the provision and operation of facilities for the purpose of receiving, dumping and disposing of waste on those lands shown as Area 2 and 5 on Metropolitan Toronto Works Department Plan No. 1624-2886

Before: T.F. Baines, Q.C. Chairman
R.B. Eisen, Q.C., Member

Reasons for Decision and Decision of the Board dated April 11, 1988

2300 Yonge Street
Suite 1201
Toronto, Ontario M4P 1E4
Tel: (416) 323-4806

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APR 15 1988

TOWN OF VAUGHAN
CLERK'S OFFICE

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4. LIST OF WITNESSES	

THE CONSOLIDATED HEARINGS BOARD

IN THE MATTER OF Sections 2, 3 and 5 of the Consolidated Hearings Act, 1981, S.O. 1981, c.20;

- and -

IN THE MATTER OF Sections 30, 33 and 38 of the Environmental Protection Act, R.S.O. 1980, c.141 as amended;

- and -

IN THE MATTER OF Sections 22(1) (3) (4) and 34(11) (25) (27) of the Planning Act, 1983, S.O. c.1 as amended;

- and -

IN THE MATTER OF Section 169(8) and (9) of the Regional Municipality of York Act, R.S.O. 1980, c.443;

- and -

IN THE MATTER OF an undertaking by The Municipality of Metropolitan Toronto to alter the existing eastern and northern boundaries of the Keele Valley Landfill Site for the provision and operation of facilities for the purpose of receiving, dumping and disposing of waste on those lands shown as Area 2 and 5 on Metropolitan Toronto Works Department Plan No. 1624-2886;

- and -

IN THE MATTER OF an application by The Municipality of Metropolitan Toronto for a certificate of approval under Part V of the Environmental Protection Act, in respect of part of the Keele Valley Landfill Site, being Part of Lots 23, 24 and 25, Concession 3 in the Town of Vaughan in the Regional Municipality of York, located

south of Teston Road, north of Major Mackenzie Drive, east of Keele Street and west of Dufferin Street;

- and -

IN THE MATTER OF an appeal to this Board by The Municipality of Metropolitan Toronto for an order amending Zoning By-law 2523 of the Corporation of the Town of Vaughan to rezone Areas 1, 3, 4 and 6 shown on Metropolitan Toronto Works Department Plan No. 1624-2886 of the Keele Valley Landfill Site and buffer area from Disposal Industrial to Open Space, and Areas 2 and 5 on said Plan from Open Space to Disposal Industrial;

- and -

IN THE MATTER OF a referral to the Ontario Municipal Board by the Honourable John Eakins, Minister of Municipal Affairs on a request by Harry Poch on behalf of The Municipality of Metropolitan Toronto for an order amending the Official Plan for the Corporation of the Town of Vaughan to redesignate Areas 2 and 5 shown on Metropolitan Toronto Works Department Plan No. 1624-2886 from Industrial to Disposal Industrial;

Minister's File No. 19 OP 1500 A20
O.M.B. File No. J 870002

- and -

IN THE MATTER OF a request by The Municipality of Metropolitan Toronto that this Board approve, in the place of the Town of Vaughan, an undertaking for the provision and operation of facilities for the purpose of receiving, dumping and disposing of waste on those lands shown as Areas 2 and 5 on Metropolitan Toronto Works Department Plan No. 1624-2886.

COUNSEL

Mr. Harry Poch	-	for The Municipality of Metropolitan Toronto
Mr. T. Fraser Mrs. T.A. Caron	-	for the Corporation of the Town of Vaughan
Mr. Brian Byrnell	-	for the Ministry of the Environment

OTHER APPEARANCES

Mrs. Eluned MacMillan - for herself and for Mr. Nelson Lund
and Mr. Ted Petror

Mr. Francis Redelmeier - for himself

Mr. Joseph Kreiner - for himself

1.

REASONS FOR DECISION

The Municipality of Metropolitan Toronto proposes, in this application, to straighten the northeasterly boundary of its landfill site located in the Town of Vaughan on part of Lots 23, 24 and 25, Concession 3. The straightening of the boundary will be in relation to those lands already designated Disposal Industrial under the Official Plan, zoned for the purpose of waste disposal and for which a certificate of approval under the Environmental Protection Act has issued.

This "straightening" will involve an "exchange" of land between present Official Plan designation and zoning restrictions so that effectively no more and no less land area will be approved or used for the depositing for landfill. A slight decrease in volume results.

To effect this straightening of this boundary the following matters are necessary:

- (i) An Official Plan designation change both as to the land which will become used for landfill and as to the land which will no longer be used for landfill purposes.

- (ii) A change in zoning both as to the land now to be used for landfill purposes and as to the lands which will no longer be used for landfill purposes.
- (iii) The issuance of a certificate of approval under the Environmental Protection Act pursuant to Sections 30(1) and 38(1) in respect of these lands.
- (iv) The consent to the provision of these facilities by the Region of York pursuant to Section 169(2) of the Regional Municipality of York Act, R.S.O. 1980, c.443 requires the approval of the area Municipality pursuant to subsection 8 of Section 169. As of a few days prior to the date of this hearing no such approval had been given. That approval has subsequently been given but the Board is asked to confirm it in the place of the Municipality for greater certainty, with the consent of the Town of Vaughan.

The site in question is some 245 acres in size and is one of two major landfill sites operated by the Municipality of Metropolitan Toronto outside of its boundaries. These two landfill sites receive in excess of 90 percent of Metro's waste. The site in question was approved in 1983 when it was in private ownership of the previous gravel pit owner, following a lengthy and detailed environmental process. The controls placed upon the development of the site which have subsequently been followed have made of this site a "state of the art landfill disposal facility" as so described by several

of the witnesses at the hearing. What apparently makes it so, is the standard of permitted effluent migration through the underlying clay liner which is so stringent i.e. 10^{-8} cm/sec. Most other facilities in North America are alleged to come no closer than 10^{-7} cm/sec. That makes this site 10 times superior in terms of protection of groundwater supplies than most other existing sites in North America. Or so it is alleged and not denied.

The site is presently approximately one-quarter full with most of phase 1 and part of phase 2 of 4 phases being filled. The area where the boundary is suggested as needing straightening overlaps part of the boundary between stage 2 and stage 3: hence the need for this application at this time. The site when approved for this purpose had an anticipated life of 20 years but by virtue of the far greater quantity of municipal landfill being experienced than anticipated, that will be substantially cut short. The present anticipated termination date will be probably some time in 1995 or 1996.

Work in terms of preparation of this site for the actual landfilling is now progressing right to the area where the boundary requires straightening. The boundary in its present form is quite crooked to conform with previous ownership and use patterns. Formerly the ski facility known as "Boneypot" was located on the boundary of the landfill site with one artificially constructed ski hill located so that it projected into the subject site to a considerable degree. If left as is, it would necessitate working around that ski hill and other

right angled projections into the site in that neighbourhood. That hill is proposed to be eliminated in the new configuration. The ski facility has ceased to be used for the last four years for reasons unknown to the Board but certainly no suggestion was made that this proposal caused the closing down of that facility.

In the preparation of the site for the landfilling, it is necessary to install a four foot thick layer of clay in thin layers or lenses so that they pack together properly forming a completely water-tight barrier between any material deposited thereon and the underlying water table. Not only is such a clay liner necessary, but to monitor its performance, the installation of a number of test wells and other sophisticated monitoring devices are required, prior even to the installation of the clay liner. There is no problem herein with the installation of the monitoring devices but as to the many right angles now present on the northeastern boundary of the property, the installation of the clay liner is simply rendered more difficult and more prone to possible places of leakage whereby the integrity of the liner might be threatened.

When going into corners with large earthmoving equipment, the process becomes increasingly difficult. Either the corner becomes rounded with a corresponding loss of disposal area or else the possibility arises, that when working in the corners with the large equipment, the knitting together of the material as it is deposited will not be as well done as when it is deposited and worked in long, straight or gently curved lines.

It is, on all the evidence heard, environmentally and practically less advisable and desirable to work around the square corners unless absolutely necessary. Needless to say at the very corners of the overall site there is nothing that can be done about that, but on this one boundary the operators desire that corners that are now considered to be unnecessary, be eliminated to assure ease of operation in the installation of liner and the consequent assurance of greater integrity in the composition of the liner.

Evidence was led through one planner speaking to the issues of Official Plan conformity, zoning by-law propriety and to perceived planning impact on surrounding uses. The Director of Refuse Disposal for all of Metro Toronto, a geotechnical engineer in the employ of Metro in charge of this site and other sites under Metro's control, spoke as to the overall waste disposal problem. Three consulting engineers also gave evidence on behalf of Metro; one a professional engineer in the environmental field, one a professional engineer in the geotechnical and hydrogeological field and, finally, a specialist hydrogeologist. Finally, an engineer, seconded to the Ministry of the Environment from a private consulting firm dealing almost exclusively in the field of soils engineering and hydrogeological problems, acting as the Ministry of the Environment's watchdog, testified on behalf of the Ministry of the Environment. The Ministry was supportive of the application. No evidence was heard from the Town of Vaughan though their counsel indicated that the Town is fully supportive of the application.

Evidence was heard in opposition from two nearby residential witnesses and two other persons were present at the hearing and asked questions but did not remain to testify. These latter two persons are both residents of the area.

From the combination of the above evidence the Board makes the following findings:

- (a) The laying of a clay liner in a series of long, relatively uninterrupted passes of the appropriate machinery ensures a more secure sealing of that liner in relation to its low level of permeability to liquid intrusion.
- (b) The present liner as laid within phase 1 and within most of phase 2 is working up to and beyond expectations in terms of the criteria laid down. It seems that it fits the description of being "state of the art".
- (c) The proposal to straighten the boundary to more effectively permit the laying of the clay liner will have no perceptible adverse impact on any surrounding uses.
- (d) The proposal, as such, constitutes no threat whatsoever to the underlying water table in and of itself.
- (e) Substantial lightweight litter blows out of the site during periods of high winds and is deposited on properties as much as a mile or more downwind.

- (f) The litter that emanates from the site at times when there are strong winds and landfill is being dumped, will not be any better or any worse by reason of the straightening of the boundary proposed.
- (g) The view for residents in the area of the landfill site will not be any better or any worse by reason of the straightening of the boundary.
- (h) The amount of earth-moving and other subsidiary work, such as the laying of pipe lines in the buffer area as headers for the gases emitted from the landfill site and for the collection of leachate, will create no more noise interference or adverse impact on the surrounding uses by reason of the straightening of the boundary. In fact, it should create less noise because less work will be necessary.
- (i) Relatively few trees will be removed in the process and most of those that will be removed would need to be removed whether the boundary is changed or not. Such trees are too far away from locations where they can be seen to be considered an aspect of realistic enjoyment or a buffer in terms of screening the view of the pit from any surrounding residential uses.
- (j) There will be no appreciable sound impact on surrounding uses at the distance from the work to any possible residential receptor and the sound from that work will be

no greater by reason of the straightening of the boundary than it would with the site in its present configuration.

- (k) Fencing designed as a litter catcher is presently installed to the best extent that can reasonably be anticipated both on a permanent and temporary basis. Additional fencing where none exists now is programmed to be installed when the necessary work in straightening the boundary is complete.
- (l) The buffer area surrounding the site is necessary for the installation of the above mentioned gas header and leachate collection system as well as a service road around the site. Those facilities and the installation thereof will interfere with the trees presently growing on the buffer zone in any event.
- (m) The installation of a buffer in terms of trees of a substantial height at the location of the boundary straightening would serve no apparent substantial purpose in the Board's view as the view of the site that is complained of is from the south and the objector's proposal to place buffering to the northeast would not affect that view.
- (n) The Board does not consider it appropriate to impose a buffering requirement adjacent to the boundary being straightened.

(o) There is groundwater contamination at this location but it is entirely traceable to a previous pit to the north of the present site owned and operated by the Town of Vaughan. That contamination is so far being effectively monitored and controlled.

(p) There has been no discernable leakage of effluent from this site into the groundwater system to date.

The technical evidence given by Metro's and the Ministry's witnesses was not shaken in cross-examination by the objectors. In fact there was no attempt to challenge their technical evidence. Their conclusions appeared to be accepted save only as to whether trees could be replaced and additional litter fencing installed or the boundary straightened within the site.

As a result of the evidence adduced, the findings made thereon and further as a result of the acknowledgement by the two major residential objectors that the straightening in itself was sound and reasonable from the environmental and practical point of view, the Board can come to no other conclusion than that the entire undertaking should be approved. The Board considers irresponsible the suggestion made by an objector namely that the liner could be kept entirely within the site and left relatively straight or else only gently curving by leaving a substantial portion of each of the objectionable corners untouched and therefore unavailable for landfill. The evidence led by Metro satisfies the Board that there is a very

substantial need for landfill sites in the Metro area and to sacrifice even a small portion of an existing approved site simply for ease of operation does not make any sense to the Board when the evidence amply discloses that the straightening of the boundary will cause no adverse impact on any surrounding uses.

The Board rejects the further suggestion that tree-buffering be installed at this location or right around the site within the primary buffer area. It is of no practical purpose in the localized area adjacent to the boundary to be changed. The Board is satisfied that the changes proposed will have no effect upon the water table, and the ponds and the watercourses flowing downstream through landowners' properties. Two of these landowners were major objectors herein. The Board feels that the present program of litter control by way of litter fencing has been addressed as well as it reasonably can be by Metro. The Board is assured that when the boundary is in fact straightened and the necessary ground work done, a litter fence 20 feet high will also be installed at the appropriate places as it has been around the rest of the working area.

The Town and Metro have now established a liaison committee to deal with ongoing problems of litter control which the Board sees as being the best method of handling these sorts of problems rather than the imposition by this Board of conditions whose day to day administration and effectiveness would be very difficult to foretell.

The Board feels that the two objecting ratepayers are to be congratulated for their concerns about the state of the environment in the area. They also had the good grace to acknowledge that the proposal herein, as such, would not realistically adversely affect the environment in other areas over which they might not have any specific concern.

Similarly, the Board feels the Municipality in particular, is to be congratulated for its support of the application herein and the establishment of a liaison committee which can deal with the day to day irritations arising from the operation of a site such as this, in a way in which conditions of approval likely could not totally achieve. Accordingly, the undertaking as proposed with the necessary changes to the Official Plan, the zoning by-law, certificate of approval under the Environmental Protection Act and the approval necessary under the Regional Municipality of York Act are all hereby given and approved as the case may be.

2.

DECISION

(A) Re: Application for a Certificate of Approval

Pursuant to Sections 30(1) and 38(1) of the Environmental Protection Act and Section 5(2) of the Consolidated Hearings Act, 1981, the Joint Board issues Certificate of Approval No. A230610 J.B. to The Municipality of

Metropolitan Toronto upon the following terms and conditions:

1. Notwithstanding anything to the contrary in Provisional Certificate of Approval No. A230610 dated May 26, 1983:

(a) no landfilling at the Keele Valley Landfill Site shall occur within the approximate areas shown as Areas 1, 3, 4 and 6 on Metropolitan Toronto Works Department Drawing No. 1624-2886 R dated February, 1988, filed at Joint Board hearing CH-87-04;

(b) landfilling and associated preparation and operations shall occur within the approximate areas shown as Areas 2 and 5 on said Drawing No. 1624-2886 R only if undertaken with the approval of the Director from time to time having regard to the following drawings:

- (i) 1624-2907 - Keele Valley Contours
- (ii) 1624-2910 - Leachate Collection System
- (iii) 1624-C - Gas Collection Header Configuration
- (iv) 1624-2908 - Final Contours and Stormwater Management
- (v) 1624-2701 - Liner Construction and Instrumentation;

2. Said Areas 2 and 5 shall be surveyed and staked by an Ontario Land Surveyor prior to landfilling occurring in said Areas; and
3. This Certificate of Approval is issued in addition to Provisional Certificate of Approval No. A230610. The terms of certificate A230610 apply to operations in Areas 2 and 5 except insofar as they are inconsistent with the above conditions.

(B) Re: Approval to the Consent of the Regional Municipality of York

Pursuant to Section 169(8)(b) and Section 169(9) of the Regional Municipality of York Act and Section 5(2) of the Consolidated Hearings Act, 1981, the Joint Board approves the giving of consent by the Regional Municipality of York to The Municipality of Metropolitan Toronto for the provision of facilities for the purpose of receiving, dumping and disposing of waste within the approximate areas shown as Areas 2 and 5 on said Drawing No. 1624-2886 R.

(C) Re: Official Plan Amendment

Pursuant to Section 22(4) of the Planning Act, 1983 and Section 5(2) of the Consolidated Hearings Act, 1981, the Joint Board decides that the Official Plan of the Vaughan

Planning Area as amended by Official Plan Amendment No. 121 be further amended as follows:

AMENDMENT NUMBER 273
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA

The following text and Schedule "1" to Amendment Number 273 to the Official Plan of the Vaughan Planning Area constitutes Amendment Number 273.

I. Purpose

The purpose of this Amendment to the Vaughan Official Plan is to change the land use designations on certain lands within the Keele Valley Landfill site in order to permit the realignment of its north and east boundaries. The Amendment will have the effect of adding areas to the "Disposal Industrial Area" designation while deleting areas from the "Disposal Industrial Area" and adding them to the "Industrial Area" designation. This will eliminate a series of angles in the boundary of the landfill site. The realigned boundary will allow for the more efficient placement of clay liner material and greater quality control in its installation, as well as for more efficiency in the leachate and gas collection systems in this area of the site.

II. LOCATION

The subject lands comprise parts of Lots 23, 24 and 25 in Concession 3, in the Town of Vaughan. More particularly, the lands are located at the eastern boundary of the Keele Valley Landfill site in Lots 23, 24 and 25.

III. BASIS

The Amendment to the Official Plan is based on the following considerations:

- a) The sanitary landfill area was designated by Official Plan Amendment No. 121 to the Official Plan of the Vaughan Planning Area. Amendment No. 121 was approved on April 15, 1981. A subsequent Amendment No. 150 (Maple Community Plan) was adopted by Vaughan Council on May 24, 1983, which affected the designation of the sanitary landfill area and surrounding buffer. This Amendment was approved in part by the Minister of Municipal Affairs and Housing on July 15, 1984, subject to modifications and deferrals. The approval of the portion of Amendment No. 150, dealing with the landfill and buffer area was deferred by the Minister and therefore these lands remain subject to Amendment No. 121.
- b) The Municipality of Metropolitan Toronto owns and operates the Keele Valley Landfill which is located

near the community of Maple, in the Town of Vaughan in the Regional Municipality of York. The landfill receives residential and non-hazardous solid commercial and industrial waste. The site was opened in 1983 and it is anticipated that capacity will be reached in the mid-1990's.

- c) Before waste material is placed in any part of the site, an underlying clay liner is constructed so that the leachate generated by the decomposing garbage can be kept within the site area. For this liner to maintain a low permeability, it is technically preferable that the liner be constructed on a straight line continuous basis, so as to eliminate construction joints caused by changes in alignment.

The eastern boundary of the Keele Valley Landfill site is currently made up of a series of angles. This Amendment will have the effect of allowing the boundary to be realigned in order to simplify the placement of the required landfill liner. Two major benefits are seen by Metropolitan Toronto in the realignment of the boundary. Firstly, it simplifies the survey control required to ensure that the quality of the design sub-grade and liner elevations is maintained. In addition it will allow for more efficient placement and compaction of the liner material. Therefore, the straightening of the

boundary would assist in maintaining the standard of the liner and assist in quality control and monitoring.

d) As background to the proposed Amendment, Metropolitan Toronto has prepared various studies assessing the impact of the boundary realignment. These studies have been consolidated into a document book which may be cited as Metropolitan Toronto Keele Valley Landfill Boundary Alteration (Volumes 1 to 3), Joint Board Hearing Document. It constitutes an examination of the various environmental and operational impacts that the proposal would entail. Included were the following analyses:

- area and volume considerations
- base preparation grades, liner and leachate collection system
- groundwater analysis
- final contours and stormwater management
- odour control
- on-site transportation routes
- land use assessment

No negative inputs of any significance were identified.

IV. DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE
THERE TO

The Official Plan of the Vaughan Planning Area is hereby amended by:

- a) Designating the lands shown as Area 2 and Area 5 on Schedule "1" as "Disposal Industrial Area".
- b) Designating the lands shown as Areas 1, 3, 4 and 6 on Schedule "1" as "Industrial Area".
- c) Amending Schedule "A" to Amendment No. 121 to the Official Plan of the Vaughan Planning Area by incorporating the designations referred to in paragraphs IV a) and b) herein.

V. IMPLEMENTATION

It is intended that the policies of this Amendment shall be implemented through an Amendment to Vaughan By-law No. 2523, as amended.

VI. INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of that plan shall apply with respect to this Amendment.

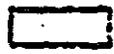
**THIS IS SCHEDULE 'I'
TO AMENDMENT NO. 273**

LOCATION: PART OF LOTS 23, 24, 25,
CONCESSION 3

DATE: 88/02/22

LEGEND

NOT TO SCALE

 LANDS SUBJECT TO
AMENDMENT NO. 273

