

Subject Waste Disposal Sites on Crown Land - Land Use Occupational Authority		Policy No. PL 4.08.01	
Compiled by - Branch Lands & Waters	Section Land Management	Date Issued April 1, 2005	
Replaces Directive Title n/a	Number n/a	Dated n/a	Page 1 of 4

Note: This policy should be applied in conjunction with PL 3.04.01 – MNR Waste Management Activity Policy.

1.0 DEFINITIONS

In this directive,

“buffer area” (refer to Figure A) means that part of a land filling site that is not waste fill area;

“Certificate of Approval” means the authority issued by the Director of the Ministry of Environment Environmental Assessment and Approvals Branch to use, operate, establish, alter, enlarge or extend a waste disposal site; a CofA is also active for 25 years after the site has been closed.

“contaminant attenuation zone” (refer to Figure A) means a three-dimensional zone that,

- (a) is located on land adjacent to a landfilling site,
- (b) is in the subsurface or extends into the subsurface, and
- (c) is used or is intended to be used for the attenuation of contaminants from the landfilling site to levels that will not have an unacceptable impact beyond the boundary of the zone;

“land filling site” means a site authorized by a Certificate of Approval issued by the Ministry of the Environment (MOE) that is composed of a waste fill area and a buffer zone;

“waste disposal site” means a site for which a Certificate of Approval has been issued or for which an application is being considered by the Ministry of the Environment including but not limited to a landfill, dump, septic drying bed, sewage lagoon, wood waste site, transfer station, or a composting site; and

"waste fill area" (refer to Figure A) means the area on the surface of a land filling site beneath which or above which waste is disposed of by land filling.

2.0 PURPOSE

To provide direction regarding the mandatory forms of land use occupational authority for a new or existing waste disposal sites on Crown land. This direction applies to:

- requests for new waste disposal sites;
- requests from existing Certificate of Approval (CofA) holders where the CofA holder is seeking to obtain authority for a site; or where the MNR is proposing that the CofA holder upgrade the authority for the site; and
- MNR sites where the CofA and the Crown lands are being transferred/disposed of to another party.

3.0 BACKGROUND

Waste disposal sites are a long term occupation with obvious potential for environmental risk. As such, careful consideration must be given to the appropriate form of land use occupational authority to be granted.

MNR regularly receives applications for the disposition of Crown land for the establishment of new waste disposal sites. Applications are received from municipalities, industry (e.g. forest industry for wood waste sites), First Nations and private individuals. In all cases, the applicant is required to obtain and hold a Certificate of Approval.

There are also a number of existing waste disposal sites on Crown land where the CofA is held by a party other than MNR. Most of these sites are currently authorized by a land use permit. While the permittee cannot be forced by MNR to purchase their site, MNR will look for and facilitate opportunities for CofA holders to acquire ownership of their sites. MNR may also pursue or receive applications for the acquisition of an existing MNR site.

4.0 FORM OF OCCUPATIONAL AUTHORITY

Land use occupational authority for a waste disposal site shall be in accordance with Table A Land Use Occupational Authority for Waste Disposal Sites.

Table A - Land Use Occupational Authority for Waste Disposal Sites

Part of Site	Sale and Patent	Easement
Waste Fill Area	X	
Buffer Area	X	
Contaminant Attenuation Zone		X

Waste Fill Area - sale and patent

Buffer Area - sale and patent

While the buffer area can act as part of the contaminant attenuation zone, full use and control is required by the C. of A. holder to ensure the maintenance of screens for aesthetics and other conditions of the C. of A.

Contaminant Attenuation Zone – easement

This authorizes and allows for contaminant attenuation, monitoring and remedial work. The Crown may permit other activities (e.g. forest harvesting, aggregate extraction above water table, construction that would not require use of ground water) that do not interfere with the uses authorized under the easement. In meeting MNR's obligations under the Class EA for MNR Resource Stewardship and Facility Development Projects, MOE must be consulted when considering the authorization of other land uses or activities.

The dimensions of a contaminant attenuation zone are dependent on the site characteristics (including closure method), and are determined by site survey and hydro-geological assessment, generally undertaken by the applicant/CofA holder.

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5.0 FEES/TERM

The sale of the waste fill area and the buffer area shall be at market value, except as directed in PL 6.01.03 Disposition at Less Than Market Value.

An easement for the contamination attenuation zone shall be issued at an annual fee, as prescribed in PL 4.11.04 Easements (Grants of).

An easement or other form of occupational authority for a contaminant attenuation zone must be maintained in good standing for the “contaminating life span of the site” as determined by MOE. The terms and conditions of the instrument will specify the authorized uses (e.g. leachate attenuation, installation and monitoring of wells).

Fees for existing waste disposal sites authorized under land use permit or other authority (e.g. licence of occupation) will reflect the exclusive, long term nature of the occupation. Refer to PL 6.01.02 Crown Land Rental Policy. If the contaminant attenuation zone is under a land use permit or other instrument, the fee will be calculated as prescribed in PL 4.11.04 Easements (Grants of) in a manner that is consistent with the terms and conditions of the instrument.

6.0 REFERENCES

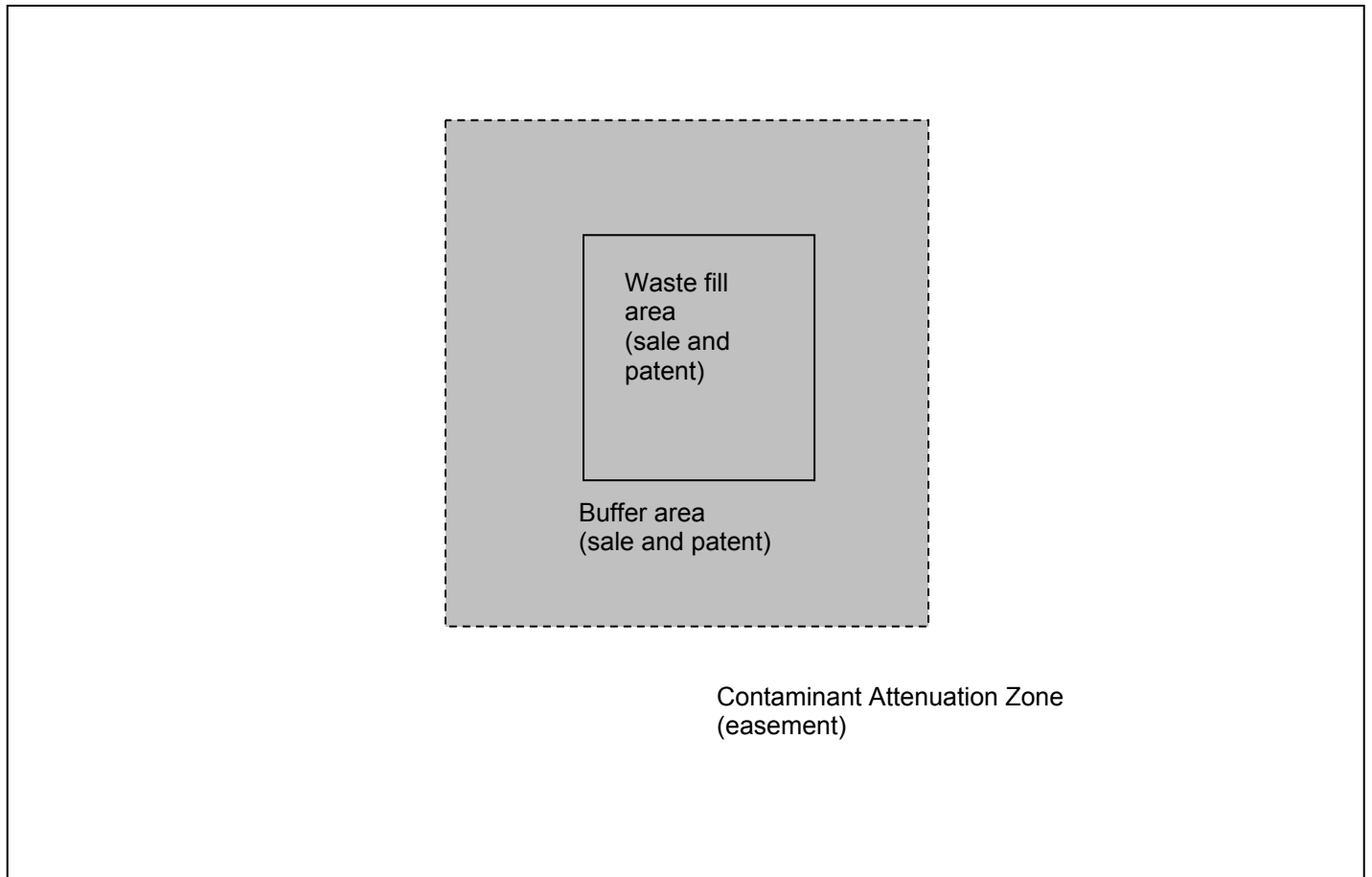
6.1 Legal

- Environmental Protection Act, Regulation 232/98 and Regulation 347

6.2 Directive Cross References

- PL 3.04.01 MNR Waste Management Activity
- PL 4.11.04 Easements (Grants of)
- PL 6.01.02 Crown Land Rental Policy
- PL 6.01.03 Disposition at Less than Market Value

Figure A– Land Use Occupational Authority



 Land filling area