TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: May 3, 2011

SUBJECT/REPORT NO:
Application for Amendments to the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 623 Shaver Road (Ancaster) (PED11075) (Ward 12)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Chris Bell
(905) 546-2424, Ext. 1262

SIGNATURE:

RECOMMENDATION:

(a) That Regional Official Plan Amendment Application ROPA-10-001, by Super Sucker Hydrovac Service, Owner, for a site-specific designation to provide policy to permit a hydrovac excavation business on the subject lands, located at 623 Shaver Road (Ancaster), as shown on Appendix “A” to Report PED11075, be denied for the following reasons:

(i) That the proposal is not consistent with the Provincial Policy Statement as it is not considered an Agricultural Use, and is neither a use secondary to an agricultural operation nor an agriculturally related use.

(ii) That approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Hamilton-Wentworth Official Plan.
SUBJECT: Application for Amendments to the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 623 Shaver Road (Ancaster) (PED11075) (Ward 12)

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(b) That **Official Plan Amendment Application OPA-10-009, by Super Sucker Hydrovac Service, Owner**, for a site-specific designation to provide policy to permit a hydrovac excavation business on the subject lands, located at 623 Shaver Road (Ancaster), as shown on Appendix “A” to Report PED11075, **be denied** for the following reasons:

(i) That the proposal is not consistent with the Provincial Policy Statement and does not conform to the Hamilton-Wentworth Official Plan as it is not considered an Agricultural Use, and is neither a use secondary to an agricultural operation nor an agriculturally related use.

(ii) That approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Town of Ancaster Official Plan.

(c) That **Zoning By-law Amendment Application ZAC-10-029, by Super Sucker Hydrovac Service, Owner**, to add a site-specific special provision to the Agricultural “A” Zone to permit a hydrovac excavation and manure/biosolids and nutrient management business on the subject lands, located at 623 Shaver Road (Ancaster), as shown on Appendix “A” to Report PED11075, **be denied** for the following reasons:

(i) That the proposed hydrovac excavation business is not consistent with the Provincial Policy Statement as it is not considered an Agricultural Use, and is neither a use secondary to an agricultural operation nor an agriculturally related use.

(ii) That the proposed hydrovac excavation business does not conform to the Hamilton-Wentworth Regional Official Plan and the Town of Ancaster Official Plan as it is not considered an Agricultural Use, and is neither a use secondary to an agricultural operation nor an agriculturally related use.

**EXECUTIVE SUMMARY**

The purpose of these applications is to rezone approximately 2 hectares of a 33 hectare agricultural property fronting onto the east side of Shaver Road, and amend the Hamilton-Wentworth Official Plan and Town of Ancaster Official Plan in order to allow a manure/biosolids management and hydrovacuum service.
The amendments are being sought to consider introducing policy and zoning regulations to allow the continued operation of the existing uses occurring on the property. Said uses are the subject of an as-of-yet unresolved zoning violation notice issued to the owners on October 14, 2009.

Only the portion of the use associated with the manure/biosolids and nutrient management service has merit and can be supported on the basis that it is consistent with the Provincial Policy Statement (PPS), conforms with the Hamilton-Wentworth Official Plan (HWOP), and maintains the general intent of the Ancaster Official Plan (AOP) by being an agriculturally related use appropriately located within the agricultural area. Planning staff is of the opinion that the hydrovac excavation services portion of the proposed use is not compliant with the PPS, HWOP, or AOP, as such use is not agriculturally-related. As the application is being considered in its entirety, the recommendations contained in this Report are for denial of the applications, as submitted.

Alternatives for Consideration - See Page 15.

Financial / Staffing / Legal Implications (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plans and Zoning By-law.

Historical Background (Chronology of events)

Subject Lands:

The subject lands are located on the east side of Shaver Road, approximately 300 metres south of Garner Road. The total size of property on which the use is located is approximately 33 hectares, while the lands devoted to the proposed uses will be approximately 2 hectares, with a frontage of approximately 180 metres onto Shaver Road.

The portion of the lands subject to the current application includes a dwelling unit that is occupied by the owners and is partially used as an office for the operation of the business. In addition to the dwelling, the site also contains two garages. An area north and west of the garage is used for the parking of the company vehicles, and an area
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east of the garages is used for the drying of slurry brought on-site as part of the business.

According to the applicant’s description of the subject property (see Appendices “B” and “C”), the site and structures are used for the dispatch and storage of vehicles, as well as the repair, maintenance, and washing of vehicles and equipment.

Description of Business:

According to the applicant’s supporting Planning Justification Report, the subject land is home to Bartels Environmental Services Inc. (BESI) and Super Sucker Hydrovac Services Inc. (SSHS).

BESI provides manure management and handling services, nutrient management planning programs, and land certification for agricultural customers. The business includes the coordination, planning, and actual implementation of nutrient management plans, including the hauling of liquid manure and bio-solids from livestock operations and the subsequent managed spreading of the manure and biosolids on other fields in the agricultural community to provide nutrients for crop growth. The hauling and spreading of biosolids requires specialized equipment, including tanker trucks, tractors with draglines, or quadtrains.

SSHS provides hydro vacuum services, which is an alternative to traditional soil excavation and involves the combined use of pressurized water and a powerful vacuum to loosen and remove soils to expose utilities and excavate holes or trenches. The 1,000 gallon water injector, vacuum, and a holding tank are housed on vehicles that visit excavation sites. Each vehicle can hold 2,500 gallons (or 22.6 cubic metres) of post-process slurry, a mixture of water and excavated soils, which is often removed from the site to be dewatered elsewhere.

Current Operation at 623 Shaver Road:

The components of the business that occur at 623 Shaver Road include:

- Offices in the basement of the single family dwelling;
- Storage of hydrovac vehicles, tractors, tanker trucks, quadtrains, and draglines;
- Dispatch area for the vehicle operators;
- Maintenance/repair/washing facilities; and,
- Storage area for dewatering of slurry.
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Chonology of Events:

- October 14, 2009: A Zoning Violation Notice was issued from the City of Hamilton advising that the operation of the Super Sucker Hydro Vac Service was in violation of the zoning regulation that applies to the subject property.

- January 27, 2010: A Development Review Committee Meeting was held to review Formal Consultation File No. FC-09-208 wherein the applicant had expressed their intent to seek approvals to allow the property to be lawfully used for Manure/Biosolids Management & Hydro Vacuum services, including offices, vehicle maintenance and repair shop, and on-site soil dewatering.

- January 27, 2010: Correspondence and a Formal Consultation document was sent to the applicants advising of the need for applications to amend the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan and Zoning By-law 87-57, to consider the proposed additional uses.

- June 22, 2010: A combined Regional Official Plan, Local Official Plan, and Zoning By-law Amendment application was submitted by the applicants.

- July 9, 2010: The application was deemed complete and circulated for Agencies and Departments for comments.

- July 16, 2010: A notice of complete application was mailed to all land owners within 120 metres of the subject property.

- April 15, 2011: A notice of Public Meeting was mailed to all land owners within 120 metres of the subject property.

Details of Submitted Application

Location: 623 Shaver Road

Owner/Applicant: Ingrid Bartels

Agent: Ed Fothergill (Fothergill Planning & Development)
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Property Description:

Frontage: 180 metres (approximately) on Shaver Road
Lot Depth: Irregular
Area: 2.0 hectares proposed to be rezoned
33.0 hectares total lot area

EXISTING LAND USE AND ZONING:

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<td>“A” (Agricultural) Zone</td>
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Surrounding Lands:

| West            | Business/Industrial Uses and Vacant | “M2” (Prestige Industrial) Zone |
| North           | Church                              | “A” (Agricultural) Zone, “I-363” (Institutional) Zone Modified, and “I” Institutional Zone |
| East            | Agricultural Land Uses              | “A” (Agricultural) Zone |
| South           | Agricultural Land Uses              | “A” (Agricultural) |

POLICY IMPLICATIONS

Provincial Policy Statement (PPS)

The subject lands are considered “Prime Agricultural Area” by the Provincial Policy Statement (PPS). Sub-section 2.3.3 of the PPS notes that the following uses may be considered in the prime agricultural area:

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, secondary uses, and agriculture-related uses.
Proposed new secondary uses and agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. These uses shall be limited in scale, and criteria for these uses shall be included in municipal planning documents as recommended by the Province, or based on municipal approaches which achieve the same objective.

2.3.3.2 In prime agricultural areas, all types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

In addition, Section 2.3.5 of the Provincial Policy Statement provides criteria for the consideration of the removal of lands from Prime Agricultural areas. These criteria include:

2.3.5.1 Planning authorities may only exclude land from prime agricultural areas for:

a. expansions of or identification of Settlement Areas in accordance with Policy 1.1.3.9;

b. extraction of minerals, petroleum resources, and mineral aggregate resources, in accordance with Policies 2.4 and 2.5; and,

c. limited non-residential uses, provided that:

1. the land does not comprise a specialty crop area;

2. there is a demonstrated need within the planning horizon provided for in Policy 1.1.2 for additional land to be designated to accommodate the proposed use;

3. there are no reasonable alternative locations which avoid prime agricultural areas; and,

4. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

2.3.5.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.
Planning staff is of the opinion that the portion of the use of the property associated with the storage, maintenance, and dispatch of equipment used for nutrient management programs benefiting the agricultural area is considered an agricultural related use. The portion of the use associated with the Super Sucker Hydro Vac excavation services is not agriculturally-related and would not be consistent with the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

In general, the Regional Official Plan (ROP) provides policies to establish a regional development pattern that at its highest level sets a boundary between the urban and rural areas. This boundary establishes an expectation that population growth will be accommodated in the Urban Areas of the Region, combined with commitments supporting farming and protecting natural resources in the Rural Areas (Sub. 3, REGIONAL DEVELOPMENT PATTERN).

The subject lands fall within the designated “Rural” area and are further classified as “Prime Agricultural Lands”. The Plan recognizes in Sub-section 3.2 Rural Areas that activities other than farming occur in the Rural Areas. The ROP acknowledges that some of these are related to the rural environment and others are not. These activities, which include farm related activities, land extensive uses, passive, low intensity recreational uses, cemeteries, conservation areas, nature trail systems, and other similar uses, are intended to be directed to appropriate areas such as Rural Settlements.

Further, Sub-section 3.2.2. Rural Land Use acknowledges that there are limited non-farm uses which may be considered in the Rural Area that would not interfere with farming or agricultural lands. However, the ROP more specifically notes that these uses must be related to agriculture or use natural resources found in the rural area or provide services to rural residents, or require land extensive holdings, and not be suited for locations in the Urban Area. The Plan goes on to note that when these types of uses are considered, it must be demonstrated that alternative locations for the use are not available within the Urban Area or Rural Settlement Areas.

Planning staff is of the opinion that the portion of the proposed use that provides nutrient management for the agricultural land base is one of the limited uses which may be considered in the Rural Area as it relies on the natural resources typically found in the rural area (i.e. livestock manure and farm fields). In addition, given that the nature of the proposed use includes the operation, dispatch, maintenance, and storage of slow moving agricultural machinery that may produce agricultural-related odours, staff is satisfied that there are no viable alternative locations available within the Urban Area or Rural Settlement Areas.
However, Planning staff is of the opinion that the component of the business associated with the Super Sucker Hydro Vac excavation operation does not meet the test for inclusion in the Rural Area.

Sub-section 3.2.3 Rural Economic Activity acknowledges that through the ROP, the Region also supports the promotion of agricultural viability and the creation of compatible economic opportunities in Rural Areas. While the preference is to direct industrial or business opportunities to Urban Business Parks and established industrial areas or retail centres, it is acknowledged that some types of business require a rural location. Therefore, the ROP provides policy to consider these types of employment and economic opportunities only if, among other things, they are directly related to and serve the agricultural community or directly utilize the natural resources of the Rural Area. Again, staff is of the opinion that only the manure/biosolids and nutrient management uses sought by the applicant require a rural location where it can directly relate to and serve the agricultural community.

Although the lands are located adjacent to the urban Industrial Park, Planning staff is of the opinion that the proposed use is markedly different than typical urban industrial uses that would otherwise locate within the Park. The nutrient management components of the business and slow moving vehicles are not compatible with other urban industrial uses. The Super Sucker Hydro Vac operation, however, would more appropriately be located within the designated Industrial Business Park or other similarly designated lands within the Urban Area.

**Town of Ancaster Official Plan**

The subject lands fall within the designated “Agricultural” area. Relevant “Agricultural” policies include:

"4.1.1 The predominant use of lands designated “Agricultural” on Schedule A shall be for agriculture, forestry, and activities connected with the conservation of soil and wildlife. Agricultural uses shall include field crops, cattle, sheep, swine and poultry production, apiaries, nurseries, greenhouses, and mushroom farms. It is a policy of Council to encourage the continued working of all existing farmlands. In this regard, agricultural lands that are predominantly Classes I to IV, inclusive, in the Canada Land Inventory, and specialty crop lands, shall generally remain free from the intrusion of non-farm uses.

4.1.2 Other uses, ancillary to agricultural production or necessary in the Agricultural area generally may also be permitted. Such uses may include small scale industrial and commercial uses directly related to agriculture such as livestock assembly points, grain drying facilities, animal husbandry services, storage of fresh produce, custom machinery operations …
In this regard, all non-agricultural uses shall be encouraged to locate in Rural Settlement Areas or on poorer quality agricultural lands or Industrial Parks.

4.1.6 Uses permitted by Policy 4.1.2 shall be located and developed so as to minimize the negative effects on surrounding uses and will not interfere with the expansion of farming operations. In considering the appropriateness of non-agricultural uses permitted in these policies, regard shall be given to the following:

i) The necessity of the proposed use to serve the needs of the rural community and the suitability of the land for agricultural purposes; further whether the use can be directed towards lands less suited for agriculture;

ii) The availability of alternate suitable locations within the Urban Area and Rural Settlements, and the appropriateness of the proposed use to the Agricultural Area;

iii) The physical suitability of the site for the proposed use;

iv) The compatibility of the proposed use with the existing and proposed adjacent uses and with the agricultural, very low density land use character of the area;

v) The adequacy of facilities to service the proposed use and the cost of provision of necessary services;

vi) The cumulative long-term impact of the proposed development on the natural capability of the land to provide a potable source of water and to safely accommodate the disposal of sanitary sewage; and,

vii) The potential for environmentally based conflicts with existing and proposed uses in the area or other environmentally sensitive land use areas."

Planning staff is of the opinion that only the manure/biosolids management portion of the proposed use is considered to maintain the intent of the Town of Ancaster Official Plan, insofar as the use is necessary in the agricultural community and connected with the conservation of soils. However, the Super Sucker Hydro Vac operation is not agriculturally related and, therefore, should be directed to be located in a Settlement Area or Industrial Business Park.
New City of Hamilton Rural Official Plan (Council Approved)

When originally adopted by the City of Hamilton, the subject lands were designated “Rural” in the new Rural Hamilton Official Plan. A number of designated “Rural” areas, including the subject lands, were subsequently modified by the Province to “Agricultural” as part of the ministerial approval of the Plan. The City of Hamilton and other individual proponents have since appealed this modification to the Ontario Municipal Board (OMB). In light of this on-going OMB matter, the policies of the Rural Hamilton Official Plan are not yet in effect, and policies of the Ancaster Official Plan continue to apply.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Grand River Conservation Authority.
- Union Gas.

The Public Health Services Department advised that:

- All applicable approvals are to be sought via the appropriate City Departments;
- Ministry of the Environment is to be contacted to discuss previous operating records and identify any areas of concern; and,
- Any slurry receiving areas are to be assessed to ensure no impacts to the proponents or adjacent properties.

Infrastructure and Sourcewater Planning Section, Public Works Department, staff advised that:

- MOE should be circulated on this application and the rezoning approval should not be granted until the CoA requirement is clarified at the Provincial level; and,
- A Hydrogeological Study is not necessary, but a quarterly water quality monitoring of the well on-site can help us assess the potential for contamination of the on-site activities.

Staff notes that it would be the responsibility of the proponent to seek approval of any other necessary licences or permissions directly from other Departments or Agencies in the same manner as if it was a start-up business in compliance with zoning regulations.
In addition, staff has contacted the Ministry of the Environment and has been advised that the retention of slurry (a mixture of soil and water) on-site does not need a Certificate of Approval (CofA). Further, a CofA for biosolids is not necessary as they are not stored on site.

**Traffic Department** staff has advised that the owner should be made aware that there are reduced load restrictions on Shaver Road from March 1 to April 30, annually. During this time period, heavy vehicles are restricted to a maximum of 5,000 kg per axle.

While the land application of manure may require the use of transport trucks, Planning staff has consulted with representatives from the Ministry of Agriculture, Food and Rural Affairs, who have advised that it is not unreasonable to work around seasonal weight restrictions. For example, most manure applied to fields for nutrient management purposes are applied in the late summer or early fall once fields are harvested. In order to accommodate these ideal application times, the Nutrient Management Act requires that manure storage facilities have a capacity to accommodate 260 days of livestock waste.

**Public Consultation**

In accordance with the Bill 51 changes to the Planning Act and Council’s Public Participation Policy, a first Notice of Complete Application and Preliminary Circulation of the applications was circulated to 31 property owners within 120 metres of the subject property on July 16, 2010. A Public Notice Sign was also posted on the subject lands at that time. As a result of preliminary circulation and notice, staff received 2 responses. Copies of the comments received in response to the Preliminary Circulation are found in Appendix “E”. One neighbouring resident offered their support for the proposed uses, while the other raised issues related to noise. The issue raised in resident’s correspondence, as a result of the first notice to neighbours, is discussed in the Analysis/Rationale for Recommendation section of this Report.

Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proponents have submitted applications to amend the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan and Zoning By-law. Amendments to all three planning instruments are necessary to consider the hydrovac excavation operation on the property as the use is not currently contemplated in any of these
documents. However, as the manure/biosolids and nutrient management business is considered to comply with the policies of the Hamilton-Wentworth Official Plan and Town of Ancaster Official Plan, only a Zoning By-law Amendment is necessary to enable the property to be used only for this use.

The proposed amendments to permit a hydrovac excavation operation on the subject property are not supportable, as staff is of the opinion that they are not consistent with the policies of the Provincial Policy Statement, nor maintain the intent of the Hamilton-Wentworth Official Plan, Town of Ancaster Official Plan, and Rural Hamilton Official Plan.

Planning staff is of the opinion that only the manure/biosolids and nutrient management operation can be supported for the following reasons:

(i) It is consistent with the Provincial Policy Statement, as it is intended to facilitate an agricultural related use;
(ii) It conforms to the Hamilton-Wentworth Official Plan;
(iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
(iv) The proposed development represents good planning by providing an agriculturally-related use in the Agricultural area such that land use conflicts with non-compatible urban uses can be avoided.

2. The subject lands currently contain an office located in the basement of the house, two shops, and an outside storage area. According to the application, the office is regularly occupied by three staff. The two shops are used as an indoor storage area for hydrovac vehicles, as well as for the vehicle repair and maintenance, staff lockers, a mechanics’ desk, mechanics’ supplies, vehicle parts, etc. An Operations Supervisor and three mechanics are assigned to the shops.

3. These buildings, equipment, and staff are used for the operation of two separate business components - Bartels Environmental Services Inc. (BESI), a manure and biosolids management service, and Super Sucker Hydro Vac Services Inc. (SSHVSII), a hydrovac excavation service.
4. BESI includes six licensed land application technicians and four certified brokers/nutrient management technicians that provide nutrient management services to agricultural clients. The certifications of the technicians and brokers are prescribed by the Ministry of Agriculture, Food and Rural Affairs. The subject lands are the home base for vehicles and machinery that are dispatched to livestock farms to retrieve manure, which is then spread on other farm fields to provide nutrients at the proper rate and time to optimize crop yield.

5. The second operation, SSHVSI, consists of eight hydrovac trucks that are dispatched to provide excavation services. According to the proponents, each truck has a capacity for 2,500 gallons of slurry and may be dispatched twice on a busy day, thereby generating as much as 40,000 gallons of slurry a day. The slurry is either left to dry off site or brought back to the subject lands to dewater. The hydrovac vehicles are stored, maintained, and dispatched from the subject property.

6. As noted earlier, Planning staff is satisfied that the manure/biosolids and nutrient management business are agriculturally related and required within the agricultural area. Further, considering the compatibility and nuisance-related challenges of locating the agriculturally-related BESI operation within an Urban Area or Settlement Area, Planning staff is satisfied that the use is not suited for a location within the Urban Area, including the Industrial Park to the immediate west. Rather, a location in the agricultural area is the most reasonable location for the business from a land use planning perspective.

7. As the hydrovac business provides excavation services, planning staff is of the opinion that this use is similar to a contractor’s yard or transport terminal where traditional excavation equipment (i.e. backhoes and dumptrucks) is stored, dispatched, and maintained. In the opinion of Planning staff, such a use has very little relation to agriculture and is not required in the agricultural area. By Official Plan policy and zoning regulations, such uses are typically directed to industrial areas within the designated urban boundary.

8. As a result of the pre-circulation of the application to neighbouring property owners, staff has received two items of correspondence. One neighbouring resident has advised that they are in support of the application (see Appendix “E”, Page 1 of 2); and a second resident has advised that they are opposed to the proposed amendments on the basis that the use has loud noises generated by equipment being operated on-site.
With respect to noise generation, there are no reports of noise complaints on the subject property recorded on the Municipal By-law Enforcement database. However, Committee should be aware that the City of Hamilton Noise Control By-law 03-020 does not apply to lands within the agricultural area. Further, certificates of approval administered by the Ministry of the Environmental for noise emissions are only required for machinery associated with industrial or commercial uses. As such, if the land use is permitted, the alleged excessive noise generated by vehicles on site cannot be enforced either by Municipal By-laws or MOEE CofAs.

As the subject lands are located in the “Agricultural” area, Planning staff notes that there is a greater expectation of noise generated from typical as-of-right agricultural operations and uses (i.e. farm machinery).

ALTERNATIVES FOR CONSIDERATION:
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The subject lands are within the Agricultural “A” Zone according to the Town of Ancaster Zoning By-law 87-57. In the event that the subject applications are denied in their entirety, the lands may only be used for agricultural purposes and the existing uses will remain non-compliant.

As an alternative to denying the application in its entirety, Council may consider approving the rezoning in part to only allow the manure/biosolids and nutrient management services use on the basis that said use complies with local and provincial planning policy. Finally, should Council entertain approval of all of the uses sought by the owner, it would be necessary to amend the Hamilton-Wentworth Official Plan, the Ancaster Official Plan, and the Ancaster Zoning By-law.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Financial Sustainability
• Effective and sustainable Growth Management.
Intergovernmental Relationships

- Maintain effective relationships with other public agencies.

Environmental Stewardship

- Natural resources are protected and enhanced.

Healthy Community

- Plan and manage the built environment.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Description of Super Sucker Hydro Vac Services Inc. & Bartels Environmental Services Inc.
- Appendix “C”: Supplementary Description of Bartels Environmental Services Inc.
- Appendix “D”: Letters from Farming Community Regarding Nutrient Management Services
- Appendix “E”: Letters from Neighbouring Residents

:CB
Attachs. (5)
Super Sucker Hydro Vac Services Inc. & Bartels Environmental Services Inc.
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**Pre-amble**

On October 14, 2009, Ben and Ingrid Bartels received a Zoning Violation Notice from the City of Hamilton: 09-199055-00ZB. 623 Shaver Road is home to Super Sucker Hydro Vac Service Inc., (SSHVSI) and Bartels Environmental Services Inc. (BESI). The notice stated that the operation of SSHVSI was in violation of the permitted use of the property, as it is zoned Agricultural. The required action was to either cease using the property for the operation of SSHVSI or apply to the City of Hamilton for re-zoning.

**The Bartels**

*Ben Bartels*

Ben Bartels immigrated with his family to Canada in 1951. In 1953, he and his family settled into a farm in Jerseyville, Ontario. Ben, along with his five brothers and two sisters, grew up on this farm. While growing up, Ben helped milk cows and work the land. Upon adulthood, each of his five brothers (John, Bill, Henry, George and Hans) owned farms in the greater Ancaster area. Today, the only remaining farmer in the family is Henry’s son, Wayne Bartels. Each of the brothers had to supplement their income, as relying solely on farming was financially difficult. Four of the brothers generated income through trucking; one became involved in a fish and chip restaurant (Golden Fish and Chips on Upper Gage Avenue); the youngest brother had a real estate license, but most recently, started a directional drilling business.

*Ingrid Bartels*

Ingrid Bartels (nee Vermeulen) immigrated with her family to Canada and settled in Ancaster in 1953. They moved into the original farmhouse, in what is currently known as the Miller Estates on Garner Road. Her father worked as a labourer, who also peddled produce.

*Ben & Ingrid*

Ben and Ingrid Bartels married in 1968 and settled into their first farm in 1974. It was located in Onondaga, off Big Creek Road. This farm was low lying and therefore, flooded out regularly. It was also too far from work, school and church. In 1983, Ben and Ingrid decided it was time to move closer to Hamilton and subsequently, after much consideration, purchased 623 Shaver Road in Ancaster.

*Bartels Waste Management Incorporated*

At this time, Ben was working in St. Catharines, in a business partnership with his brother, Bill. Bill lived at 450 Book Road in Ancaster for many years, but has recently moved to Hamilton Drive. Ben and Bill started Bartels Farms. Bartels Farms was contracted by the Niagara Region to manage their municipal bio-solids program, which included the haulage, storage, dewatering and application of bio-solids on various farms throughout the Niagara region. Bartels Farms was eventually renamed Bartels Waste Management Incorporated. Ben and Bill sold their interest in Bartels Waste Management Inc. in 1992. Ben stayed for a year and a half to help with the transition.

Ben and Ingrid moved into their new house at 623 Shaver Road in 1984. They raised their six children on the 83-acre homestead. In 1985, the first drive shed was built as an implement shed (Permit 115909). Throughout this period, a minimum of one truck was parked at 623 Shaver Road. Typically, the truck worked for Newman Steel or J-Line Transport. This shed was rented out to the Town of Ancaster for two winters (1988 and 1989).
In 1988, approximately three acres located at the north-west side of the property at Shaver Road was donated to the Canadian Reformed Church of Ancaster. During the time of donation, it was noted on the form that the Bartels also own a trucking company, in addition to farming.

In 1994, Ben and Ingrid purchased two industrial lots in the Ancaster Industrial Park. These lots, 10 and 11, were side-by-side and fronted on Shaver Road. In 2001, the second shop was purchased. The shop needed to be heated for the winter because the water inside the trucks' systems will freeze if left outside. In the summer, the trucks are often left outside. Building a new shop on the industrial lots was considered. However, the town planner recommended building on the home farm, as taxes were cheaper and the intended use of the lots was in violation with its zoning. Trucks and equipment were not allowed to be stored outside as they are all summer. Lot 11 was sold in 2002 and lot 10 in 2006.

Darren Bartels

Born in 1972, Darren, the son of Ben and Ingrid, spent most of his high school summers working on his uncles’ dairy farms. After graduating from Guido de Bres High School in 1990, Darren went to work for Bartels Waste Management. As a field technician, he was responsible for the application of nutrients to farm fields. After several years, he eventually ran the bio-solid programs across Ontario from Port Hope to Windsor. In 1998, Darren decided it was time to go into business for himself. He bought his first truck and trailer and began working as a broker in the waste/recycling industry until March 2001.

Super Sucker Hydro Vac Service Inc. History

In the fall of 2000, Ben and Darren, along with their respective spouses, Ingrid and Anna, started a business. They successfully bid on a contract with the Ontario Clean Water Agency (OCWA), a government subsidiary, to manage part of their bio-solids program in Mississauga. At this time, Ben and Darren ordered a hydro vacuum truck from Pres Vac Systems in Burlington.

In the spring of 2001, the business was registered as Super Sucker Hydro Vac Service Inc. As time went on, SSHVSI gained more municipal bio-solids contracts throughout southern Ontario. Typically, bio-solids are taken from a plant or holding facility and applied as part of a nutrient management program. The regulations surrounding the management and application of bio-solids are specific and only upon receiving certificates from the Ministry of Environment can the bio-solids be applied. One of the application systems is available for viewing at: //www.youtube.com/watch?v=tEh1HRBIOQ.

Since 2001, SSHVSI’s customer base has increased. Customers’ needs dictated that manure management services also be provided. Now, BESI provides manure management services directly for the farming community.

When the company started out in 2001, it offered two services: manure/bio-solids management and hydro vacuum services. It became apparent that the hydro vac service was very much in demand. It was also evident that in order to eliminate confusion and streamline the operations, the bio-solids division should take on its own identity for insurance, liability and clarity. As a result, Bartels Environmental Services was born. It was advertised as a division of SSHVSI.

At the onset of SSHVSI in 2001, there were five family members working, namely, Ben, Ingrid, Darren, Anna and Will (another son of Ben and Ingrid). Today, over 28 families rely on the income provided by the business with the average income being over $65,000.
Throughout the years, SSHVSI has had contracts with municipalities, including the City of Hamilton. During this time, city employees frequently visited SSHVSI’s shop to drop off work orders. Therefore, the City of Hamilton has been aware of the operations at 623 Shaver Road for many years.

2008

Ben and Darren realized that as the company grew, it would need to relocate. After careful consideration and following the City of Hamilton’s initiative to have employment lands around the airport, a 20-acre parcel of land was purchased at Book Road and Fiddlers Green. Since 2004, this land was identified by the City of Hamilton, as being part of the Airport Employment Growth District. After several years and meetings, and following the release of the Phase 1 Draft, Ben and Darren considered prudent to purchase a piece of property within this area. The decision was made to purchase 53 Book Road. According to all media releases and indicators, development designation on this lot was to commence. Within five years, a move could be possible. Optimistic that this dream would be a reality, Dan and Darren initiated contact in January 2009 with Lancia Contracting Limited. Philip Walker from Lancia prepared the draft for an office/facility of 27,000 square feet to add possible future needs.

2009

In January 2009, the Bartels decided officially to separate Bartels Environmental Services from SSHVSI. The number of vac trucks had increased to eight and the number of tractor-trailers for BES had increased to five. There had to be a clear separation for advertising, cost allocation and banking. Both companies remain closely tied. Both have the same owners, share the same address, secretary, office, mechanics, yard and fuel tanks. Employees cross from company to company, as the workload requires. All assets are in the process of being held together in a holdings company under Ontario 2193989 Inc. Finally, whenever financing is required, SSHVSI, as the original parent company, is required to co-sign for all loans, leases, and in some instances, legal documentation.

Excavation Process

SSHVSI provides vacuum excavation services for municipalities, electrical distribution, gas and fencing companies, homeowners and farmers throughout Ontario. The process of using pressurized water and vacuum to safely and efficiently expose utilities and excavate holes is recognized around the world as a preferred form of safe excavation.

Air vs. Water Excavation

In several areas globally, including Canada, air excavation is also employed. This process uses compressed air dispersed through a lance to dislodge the soil. The material is then vacuumed up into a vacuum tank. There are some advantages and disadvantages to both air and water excavation. One advantage of air is that the material can be put back on-site if the conditions allow. SSHVSI has used air excavation technology in the past, with mixed results. Air excavation has the following limitations:

1. Not effective in frozen conditions.
2. Very slow process on clay ground.
3. If during an excavation, ground water enters the hole or trench, the smaller debris tank fills up quickly, which means less production as the air excavation debris tanks are typically much smaller than hydro excavation tanks.
4. If the back fill material is a specified “engineered fill” then the excavated material has to be removed for the site anyway. This is not a productive exercise with a small debris tank.
5. They are very dusty and operate at a higher dBA (decibels adjusted) level.
Emergency

SSHVSI works for over a dozen electrical distribution companies, natural gas providers and municipalities. As a result, it is responsible for providing emergency service, 24/7. Whether a storm or accident downs a hydro pole, or if a water main breaks, SSHVSI is required to be on-site within a predetermined response time (usually two hours).

Water

SSHVSI utilizes pressurized water and vacuum to excavate safely. This process has been used since 2001 successfully, with thousands of utilities safety exposed. The ensuing process requires the truck to be on-site with 1000 gallons of water. This water is typically injected into the earth at a rate of 4.5 gallons per minute through a hand-held wash-type gun equipped with a rotating nozzle. A remote control arm or vacuum type sucks the material up into a 2500-gallon holding tank.

At day's end, the hydro vac could have 2500 gallons of slurry (city water and soil) or mud that needs to be processed. On a busy day, the hydro vac could have two loads or 5000 gallons. Currently, with eight trucks, SSHVSI could potentially have 40,000 gallons or 181 m³ of slurry to process.

Ontario Regional Common Ground Alliance

Since its inception in 2001, SSHVSI has been committed to safety. It has acted as a leader by supporting various organizations. SSHVSI is a bronze sponsor of the Ontario Regional Common Ground Alliance (ORCGA), something that is usually associated with large utilities.

Dan Bartels (another son of Ben and Ingrid who joined SSHVSI in January 2003) has served on the ORCGA as the Geographic Council co-chair. He has been a key member to creating best practices for the hydro vac industry. Recently, SSHVSI was part of a study conducted by the Technical Standards and Safety Authority (TSSA), Enbridge Gas and the University of Waterloo. SSHVSI and a group of responsible hydro vac companies (Badger Daylighting, Lotto Sanitation, Ontario Excavac) successfully amended the procedures involving excavation around gas and electricity to allow specifically designed tools to be employed in an effort to increase productivity in a safe manner. These new regulations can be found in the Electrical Utilities Safety Association (EUSA)’s Safe Practice Guide — Excavating with Hydro Vacs in the vicinity to Underground Electrical Plant.

Super Sleeve

SSHVSI often is contracted to hydro vac utility pole holes. The hydro vac is able to vacuum multiple holes in a day. Typically, a hydro vac crew stays well ahead of the utility setting the poles. This sometimes results in the utility leaving holes exposed for the night or weekend. These holes range up to 36” by 10’ in some cases. There are potential safety risks associated with holes of this size open, especially in residential areas. At the request of the utilities industry, SSHVSI designed and hired a local manufacturer to produce three different sizes of Super Sleeves. The Super Sleeves are modular, made from recyclable polyethylene, have a snap on safety lid and come in safety orange. The Super Sleeve is patented and is available throughout Canada.

Operations at 623 Shaver Road

Office
The main office is located in the basement of the house. There is separate access via the backyard. The basement has three rooms used for office work. On average, there are three people in the office. This number can balloon to five at certain times of the day. All but one office staff is a member of the Bartels family.

**Shops**

Currently, there are two shops on the property. The upper level shop is 40' by 70' and houses three hydro vacs. There is also some general storage in the upper shop. The lower shop is 40' by 90' and houses five hydro vacs. The lower shop has two storage containers adjacent to the north side of the shop. The first container is insulated and holds the lockers, mechanics' desk, microwave, refrigerator and small desk. It also, holds the repair slots and daily ticket information for all the operators. The second storage unit contains the mechanics' supplies, filters, parts, etc. There is a port-o-let located on the west side of the lower shop. At the front of the lower shop is an overhead disposal bin.

Located outside are also sealed containers from Safety Kleen, in which all used oil filters and associated materials can be placed. There is a storage oil reservoir located inside the shop and a parts washer that receives servicing as required. Outside on the north-west side of the shop is a locked storage container for gas, acetylene and propane. There is also a designated area for jerry cans. The inside of the shop has fire extinguishers, a first aid kit and a health and safety board.

There are two mechanics. Each works an eight-hour shift; one beginning at 6AM and the other at 2PM. Most servicing, maintenance and repairs are done in-house. This set-up is ideal, as there are several operators with experience in welding/repair, who are mechanically savvy. Therefore, when work is slow, crews can still be employed. All services are performed by an outside contractor.

Outside, between the two shops at the west end of the yard, is an area approximately 50' by 75' where, on occasion, is used to receive the slurry from various job sites. Having this option is critical to our operation as there are many instances where a truck is working locally and needs to empty the contents of the tank. Transporting the material to other sites is often impractical, as other sites may not be open or are too far away.

**Soil Dewatering**

After the hydro vac job is complete and if there is no room for the slurry/soil placement on-site, SSHVSI is required to remove the material from the jobsite. SSHVSI has over a dozen sites, which it uses for soil dewatering or land remediation. Typically, the excavated soil is clay, sand or gravel and rock. Wherever possible, loads that are gravel or sand are placed in areas at the soil dewatering sites, where they can be reused again. A large portion of the loads, however, contains clay and therefore, is not good for backfilling hydro vac holes. This is in part because most of the exposed holes contain utilities and the plant owners want a sandy soil to protect the plant when reinstating the ground.

Typical excavations are down to eight feet. However, when looking for buried utilities, SSHVSI has been required to excavate over 30' deep. As a result, most loads contain a minimal amount of topsoil. There are exceptions to this. In some instances, SSHVSI has been contracted to remove just the topsoil (i.e. planters in islands, rooftop plantation programs, etc.).

The clay slurries are usually handled in one of two ways. In the first instance, the hydro vac may place the load in a small pit or deprivation in the ground. Over time, the solids will settle to the bottom and the water will rise to the top of the pile. The rate at which settling occurs depends on several factors. The
most significant factor revolves around how much material is added to the site on a daily basis. If the site is used daily, it is difficult for a small pit to settle. As a result, the regular introduction of new loads of slurry will cause the pit to remain homogeneous. If the weather conditions allow, the water will eventually evaporate or dissipate. Hence, sunny and windy days are excellent in speeding up the drying process.

The second method is to place the load over a large surface area, spreading it as thin as possible to expedite the rate at which the slurry dries. Although this is the preferred method, as it requires no extra management, it is also the least likely to occur, as large sites where sub-soils are required are rare.

SSHVISI brings in an excavator as required and removes the material from the pits. The semi-dry material is subsequently stacked as piles surrounding the pit. Usually, within several weeks, the soil has had sufficient time to dry and the soil can now be used as an infill in low areas, or to bring up the elevation around a building. As part of due diligence, the company performs random sampling at the sites. Upon hiring, all operators are trained in procedures designed to identify suspect soils prior to excavation. Should suspect material enter the SSHVISI debris tank, a risk management plan is initiated. This plan includes requiring the suspect material to be hauled to a registered receiver. After all parties have been satisfied, work may resume if required.

As an extra leg of SSHVISI’s due diligence process, HESPRO, an environmental consultant firm, was recently retained with the directive to extract clarification from regulatory government bodies concerning options regarding the slurry placement.

Currently, the industry charges $50 – $100 to the customer for the removal of the load of slurry. To suggest it should always go to a registered facility would unnecessarily add thousands to the daily cost and would effectively kill the industry. Whether the material is wet or dry, one would suppose the regulations should be the same regarding testing. What concerns citizens is material arriving to a soil remediation site in a tank. Awareness through education is certainly an option. Occasionally, SSHVISI is asked whether it is a sewer sucker or honey wagon. The company does not vacuum septic tanks; although, occasionally, it cleans catch basins. However, this material goes to a licensed receiver and the debris tank receives a thorough washing upon completion of the job.

Sodium in soil

Roughly 90% of SSHVISI’s hydro vac excavation happens in the roadway (from property line to property line). As a result, at specific times, the slurry has been known to have higher than normal amounts of sodium or road salt. If a random sample is taken from a site in the spring, the number is usually higher as it has been subjected to several months of salt applications. The SAR (sodium absorption ratio) does decline over time.

Conclusion

The business plan for SSHVISI and BESI included an eventual move to 53 Book Road East in Ancaster. As a result of Phase 2 proposed being delayed for 20 years, we are caught in a difficult position. 623 Shaver Road has water, hydro, streetlight, gas and fibre all on the east side of the road (the side SSHVISI is located on). There has been a trucking business here for over 25 years. Apparently, the original complaint did not include this address. Our business has grown over the years and has naturally diversified. We know that a placement in the Ancaster Industrial Park would result in odour complaints as our current place of business regularly has trucks on-site that contain residue of manure and bio-solids. Our vacuum trucks also work at sewage treatment plants, perform cleanouts at Hamilton’s new composting facility and have been employed at farms across Ontario to assist in cleaning pits and plugged...
lines. Along with our intention to have an authorized staging site for our soil, we feel that we best satisfy the community by remaining at the current location (with permission from the city) and work towards allowance for a site at 53 Book Road.

SSHVS is a young, innovative, family-run business that demonstrates great teamwork and has traditional values that are evident in its work. It has a reputation around honesty, dedication, equality and above-average wages to all employees. This company is committed to providing the best service to its customers.

The Bartels family has been in the Ancaster area for over half a century. We have been blessed and have been able to contribute to our community in many different ways by sponsoring local sports teams, assisting in the construction of schools and churches and donating to local schools. SSHVS also shows its community pride by participating in the Ancaster Heritage Parade each year.

We look forward to continuing to serve our community and hope the City can give fair and favourable consideration to our request.
Appendix A – Pictures

Bartels Waste Management – 1997 Note: Land in background not utilized for farming.

Bartels Waste Management – 1998 Note: Driveway and fuel tank below installed; land behind not utilized at time.
Land application for Bartels Farms

Bartels equipment at 623 Shaver Road
Bartels Environmental Services Inc.

Bartels Environmental Services Inc. (BESI) maintains operations at 623 Shaver Road. Much of the work comes from agricultural operations. The company offers services, such as manure management and handling, nutrient management programs and land certification to its farming-based customers. For a number of reasons, in order to remain a successful business in the agriculture industry, it must continue to operate at this location.

BESI providing nutrient management solutions to Ancaster farmers in August 2010.

Working at local farms in Ancaster.
These services require a plethora of equipment, which can be housed and transported to and from easily at the Shaver Road location. This equipment includes tanker trucks for hauling liquid manure and bio-solids and tractors with either a dragline system or a quadtrain in tow for land application. Much of this equipment, for example the tractor and quadtrain, cannot be driven on busy, urban streets because of its size and speed restrictions. An agricultural location is ideal for housing this equipment for such reasons. When equipment is not being used at a job-site, it is parked in the yard, as shown in the pictures below.

View from the road of tractor with quadtrain and tankers parked in the yard at 623 Shaver Road.

View from Shaver Road of the yard at 623 Shaver Road.
BESI’s farming equipment parked at 623 Shaver Road.

BESI’s drugline system parked at 623 Shaver Road (above and below).
Quite often, equipment can be hauling odorous material. Prevailing winds come from the west and northwest, which makes the Shaver Road location ideal because there are no neighbours to the east and south of the property. A location in the urban area or within an industrial park would be problematic because of these odours.

BESI is committed to improving and adding services to the agricultural sector. Its nutrient management program has increased over the years. Currently, there are six licensed land application technicians and four certified brokers/nutrient management technicians available to provide services in 2011. The nutrient management plan is an essential add-on for many farmers who hire BESI for manure management.

There are videos demonstrating BESI's work for the agricultural industry, which can be viewed at http://www.bartelsevironmental.ca/agricultural/gallery.html. More information about BESI services can be found at www.bartelsevironmental.ca.

**BESI and Super Sucker Hydro Vac Service Inc.**

Previously, BESI worked under SSHVSI as Bartels Environmental Services (a division of SSHVSI). Only recently were these two companies separated into different entities for the purposes of advertising and developing BESI. Although they are separate entities, they remain under the same holdings account. These two companies operate very closely by sharing employees and mechanics, tools and equipment, and often, completing projects together. BESI's work can be very seasonal and often SSHVSI employees will work for BESI during the summer months when BESI is busy with projects to complete. Because the main site for both companies is 623 Shaver Road, it becomes easier for employees to work for whichever company where they are needed. By sharing employees between the two companies, seasonal layoffs are minimized and often kept close to zero.

Some employees do work for both companies throughout the year (not just for seasonal work), like the Operations Supervisor and mechanics. The Operations Supervisor handles all loss analysis reports for both BESI and SSHVSI. These reports are given to the Joint Occupational Health & Safety Committee at combined monthly meetings and help keep both companies and its employees safe.

The shop for both companies is located at the Shaver Road site and it is where the mechanics work on the both fleets. Currently, there are two full-time mechanics (who work opposite shifts) and a full-time apprentice. It is vital to have two mechanics, as well as an apprentice, working together to maintain operations for both companies because of the amount of work required. BESI and SSHVSI are committed to strengthening its apprenticeship program for its Truck and Coach Technician apprentice. The SSHVSI apprentice works on both fleets. This will lead him to finishing the apprenticeship with a well-rounded experience because not only does he learn the ins and outs of how to service and repair truck and trailers, he also gets the experience of working on farm equipment. This experience will help to set him up for a bright future as a Truck and Coach Mechanic. The shop is filled with the proper tools and equipment needed by the mechanics to complete work safely and efficiently. Currently, those tools, like the mechanics, are shared by the two companies to boost efficiency. Below, you will see the SSHVSI apprentice working on BESI's combine in the shop at the Shaver Road location.
Apprentice working on BESI's combine at 623 Shaver Road.

Apprentice, Brandon, working on BESI's combine at 623 Shaver Rd.
In addition to the mechanic’s use, the shop is a necessity for both companies in the winter for storage. BESI’s fleet needs to be worked on inside the shop but can be parked outside without any issues. On the other hand, SSHVSI’s hydro vac trucks must be parked inside the shop overnight to avoid freezing, as there is water in each truck.

BESI and SSHVSI share the same office staff and management, similar to how they share field employees and mechanics. The companies must remain together at the same head office location to maintain productivity and efficiency as many tasks for both companies are handled by the same people.

When possible, the two companies are contracted to each other to complete projects as needed. Currently, SSHVSI is working under contract for BESI, and BESI is about to start a project for SSHVSI using tractors and pumps to clean municipal holding cells. The current project the two companies are working together on involves sludge hauling using a wet vac truck.

**Conclusion**

Although these companies were legally separated and are considered separate entities for the purpose of advertising to different markets, BESI and SSHVSI remain too close to be physically separated by different main sites. It would be detrimental to the success and ability to remain competitive of both companies if it was determined that BESI and/or SSHVSI could not continue to maintain operations at 623 Shaver Road. It would also be detrimental to BESI customers whose testimonials starting on page eight show their need for BESI services.

It is industry standard practice to operate this type of business in a rural setting. All other known, local competitors run their businesses from a location on a rural property. Please see the following two examples below for a visual of their operations.
Dear Greg,

Thanks for all the hard work performed by your company in the spreading of biosolids on three of my farm acreages. The work you do is very professional and I was impressed by your knowledgeable staff and biosolids applicators. In this day and age anything I can do that will decrease my costs and contribute to my nutrient management strategy is fine by me.

Thanks again,

[Signature]

Barry Jebb
Dear Henry

I would like to thank you for the services Bartels Environmental Services provided this past year. Your services are an important and integral part of our nutrient management plan. It has saved us a lot of time, and wear on our machinery. We look forward to the continued use of your services in managing our manure.

Regards

[Signature]

Wim Aalbers
Dear Henry

I would like to thank you for the services you and Bartels Environmental Services provided. Your services are an important and integral part of our nutrient management strategy. With increasing fertilizer and crop input cost, nutrient management is crucial to cost cutting and proper management of manure produced on our farm from year to year.

Regards

Henry Kelly
Summitholm Holsteins
1399 Powerline Road West
Lynden, Ontario
L0R 1T0

Dear Henry and Darren,

I want to let you know that the services you provided were professional and an important part of our nutrient management plan. Managing our manure on the land is a cost effective way to environmentally manage the manure produced on the farm. We look forward to using your services on a continuing basis, and feel it is important to have Bortels Environmental Services as a manure service consultant and applicator in the Ancaster area. You are a vital service to our business.

Thank you and we will see you shortly.

[Signature]

Joe Loewith
Dear Henry,

I would like to thank Bartels Environmental Services for the manure services that you provided to us in the past. We anticipate working together in the future to meet our needs for the proper management of our manure applications. We enjoy the close proximity of your business and feel that your company is an important part of the Greater Hamilton Area.

Sincerely,

Doug Cranston

[Signature]
Dear Mr. Bell,

I am in receipt of your letter dated July 16, 2010 regarding the files indicated above.

As I will be leaving the country on vacation July 22, 2010 through and including August 9, 2010 I would like to take this opportunity to respond in accordance with the information outlined.

My partner Fernando Lopes and myself own four adjacent properties adjacent to the land in question. Our lots indicated are 662, 590 and 620. Additionally we own lot # 676.

Please accept this email outlining our position in these matters. On behalf of my partner and I, we would like it noted that we fully support this application and find no reason that the request not be granted.

Super Sucker Hydro Vac Service Inc. is an excellent neighbor and business owner. We cannot find reason not to support his application.

Hopefully this email will be included in the application review process and that the application be granted as requested.

Respectfully,

Terry Tomlinson
Tomlinson Systems Inc
Planning and Economic Development Department
71 Main Street West, 5th Floor.
Hamilton, Ont. L8P 4Y5
Att: Chris Bell

July 28, 2010

RE: Files ZAC-10-0129, CPA-10-009 and ROPA-10-001

In regards to the applications for Regional official plan amendment, Local official plan amendment and zoning bylaw amendment by Super Sucker Hydro Vac Service Inc. on lands located at 623 Shaver Rd, Ancaster.

We hereby oppose the rezoning of the above lands at 623 Shaver Rd, Ancaster. For the following reason.

Since their operation started several years ago there has been loud noises generated by equipment from early morning till late at night. We have complained in the past. If these lands are becoming industrialized, we would have no option but to ask for their operation to cease and desist.

Yours truly,
Hank & Leonie Holzel
563 Shaver Rd.
Ancaster, Ont. L9G 3K9