SUBJECT: Application to Amend an Existing Provisional Certificate of Approval (Waste Transfer/Processing Site) Ministry of Environment Reference #5205-6HWSS5P, Regional Disposal Services Inc., Located at 375 Gage Avenue North (Hamilton) (PED06213) (Ward 3)

RECOMMENDATION:

That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application CA-06-02, Regional Disposal Services Inc., applicant, for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site including the following: i) an increase in allowable waste storage limits from 100 tonnes to 300 tonnes per day; ii) an increase in the maximum quantity of waste storage on the site from the current 150 tonnes to 350 tonnes, and; iii) to allow for the transfer of source separated wood waste material outside the existing waste transfer building for the existing facility at 375 Gage Avenue North, as shown on Appendix “A” to Report PED06213, the City of Hamilton requests the following to be undertaken:

(a) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which is required for proposed modifications to the existing building.

(b) That the amended Provisional Certificate of Approval require the following:

(i) That the metal storage bin and the two above ground double walled fuel tanks be relocated on the site away from the main on-site traffic route and be located a sufficient distance from any catch basins to the satisfaction of
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the Superintendent, Compliance and Regulation, Water and Wastewater, Public Works Department.

(ii) That Contingency plans for spills on site and clean up procedures are covered under the company’s Certificate of Approval, and that the City’s Spills number (905) 540-5188 be included in the Certificate of Approval, and be included in the company’s on site Contingency Plan.

(iii) That the proposed “roll-off” containers located on the paved lot area for outside storage of wood materials be limited to a maximum size of 100 sq.m. in area, a maximum of 3 metres in height and be located a minimum distance of 3m from property lines and any other containers. Also, that a fire department access route be established from the access gate to the westerly property boundary and that the yard area be equipped with a sufficient number of portable fire extinguishers having a rating of 2A or higher with a maximum distance separation of 25m, to the satisfaction of the Hamilton Emergency Services, Chief Fire Prevention Officer.

(c) That the amended Provisional Certificate of Approval requires that a sufficient bond be provided for financial assurance for the removal of any materials left on the site should operations end.

(d) That the amended Provisional Certificate of Approval include a requirement that a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(e) That all other conditions and requirements of the Certificate of Approval remain in place.

(f) That a copy of Report PED06213 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(g) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The applicant, Regional Disposal Services Inc., has applied to the Ministry of Environment (MOE) for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site (waste transfer/processing) including: an increase in allowable waste storage limits from 100 tonnes to 300 tonnes/day, an increase in the maximum quantity of waste storage on the site from the current 150 tonnes to 350 tonnes, and to allow for the transfer of source separated wood waste material outside the existing waste transfer building and stored in “roll off” containers. The site currently accepts solid non-hazardous waste, including waste from residential/domestic, industrial, commercial and institutional sources.

The Ministry of Environment requests affected municipalities to provide comments on new and amended Certificate of Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Certificate of Approval applications are forwarded to the MOE.

BACKGROUND:

What is a Certificate of Approval

A “Certificate of Approval” pursuant to Part V of the Environmental Protection Act is a legally binding document, through which an individual, company or municipality is permitted, by the Ontario Ministry of Environment (MOE), to undertake an activity related to the management of waste.

Each Certificate of Approval is drafted to address the site-specific considerations relevant to the proposal and contains enforceable requirements that ensure environmental and health protection, compliance with legislation and policy requirements. The Certificate of Approval stipulates the types of wastes that can be managed at the facility and contains “conditions” that describe the manner in which the facility is to be operated. Failure to comply with any of the Certificate’s conditions constitutes a violation of the Environmental Protection Act and is grounds for enforcement through the Provincial Offences Act.

As part of their review process, the MOE requests the affected municipalities to provide comments on new and amended Certificate of Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Certificate of Approval applications are forwarded to the MOE.
ANALYSIS/RATIONALE:

The applicant, Regional Disposal Services Inc., has applied to the Ministry of Environment for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site (waste transfer/processing) in order to permit an increase in the allowable waste flow rate from 100 tonnes to 300 tonnes per day; to allow for the transfer of source-separated wood waste material outside the waste transfer building; and to increase the maximum quantity of waste that can be stored on the site at any one time from the current limit of 150 tonnes to 350 tonnes.

Regional Disposal Services Inc. submitted to the City of Hamilton an application for an amendment to an existing site plan on May 25, 2006, under file DA-06-82 (Appendix B). The amendment proposes a 274 square metre (2,950 sq. ft.) addition to the existing garage, and a 140 square metre (1,497 sq. ft.) addition to the existing transfer station. The existing buildings have a total area of 941 square metres (10,129 sq. ft). The approximate 892 square metre (9,600 sq. ft.) size of the main building consists of a tipping and processing/transfer area. The Site Plan was considered by the Development Review Committee and deemed to be approved by the Manager of Development Planning on June 14, 2006, subject to an undertaking and satisfactory completion of conditions. The approval of the Site Plan Application is not to be construed as the City’s support for the MOE Certificate of Approval application.

The site currently accepts solid non-hazardous waste, including waste from residential/domestic, industrial, commercial and institutional sources. It is proposed that all processed materials and waste stored outside at this facility be kept covered by a waterproof barrier at all times. Outside storage will be in the form of tarped “roll-off” bins or covered trailers located along the north lot line of the property.

All inbound waste is weighed in at an existing weight scale prior to proceeding into the waste transfer/processing building for unloading onto the tipping floor, and is weighed again prior to departure. Waste Transfer Vehicles are also weighed at the ultimate approved disposal facility.

Waste processing is performed by Regional Disposal employees who manually remove recyclable material from the waste pile on the tipping floor and place it in dedicated containers and/or segregated piles located within the building, or in containers outside the building. When the quantity and nature of the materials warrant, equipment is used to segregate recyclable materials from the waste materials received at the site. Materials recovered for recycling will be limited to ferrous materials and wood waste, since the type and composition of waste received is not expected to contain sufficient quantities of other potentially recoverable materials (e.g. concrete, asphalt shingles, paper fibre, drywall). Waste on the site is generally removed to an approved facility within 24 hours of receipt but can take up to 72 hours or more because of operational or
statutory holidays. All recyclable materials recovered during the sorting operation at this facility are removed within 90 days of receipt.

City Departments including: Hamilton Emergency Services – Fire Prevention Division; Waste Management Division, Public Works Department; Water and Wastewater Division, Public Works Department; Traffic & Operations Section, Public Works Department; and the Health Protection Division, Public Health Services; have all reviewed this proposal and have indicated that they have no objections to the proposed amendment, subject to certain on-site operational modifications being requested.

With additional waste material being permitted to be stored on site, it is recommended that a sufficient Bond be posted to dispose of any materials left on site should operations be abandoned.

Water and Wastewater Division, Public Works, requires the relocation of a metal storage bin and two existing above ground double walled fuel tanks away from a high traffic area and any catch basins on the site. Also, that the company’s Contingency Plans for spills on site and clean up procedures be covered under the company’s Certificate of Approval, and that the City's Spills number (905) 540-5188 should be included in the Certificate of Approval, and be included in the company’s on site Contingency Plan.

Fire Prevention Staff, Hamilton Emergency Services, requires that the proposed “roll-off” containers located on the paved area for outside storage of wood materials (combustible materials) be limited to a maximum size of 100 sq.m. in area, a maximum of 3 metres in height, a minimum distance of 3m from property lines, and separated from other containers a minimum of 3m. Also, that a Fire Department access route be established from the access gate to the westerly property boundary, and that the yard area be equipped with sufficient portable fire extinguishers having a rating of 2A or higher, with a maximum distance separation of 25m. Should storage bins not be used for outside storage for wood/combustible materials in accordance with the maximum size and separation requirements identified by the Fire Prevention Staff, the proponent will then be required to extend the municipal hydrant system into the yard area in accordance with the Ontario Fire Code.

Traffic Engineering & Operations, Public Works, indicated that there are no issues with the additional traffic anticipated. The proponent anticipates a maximum of 70 waste collection vehicles per day using the Gage Street North access driveway.

Health Protection Division, Public Health Services, request that the proponent mitigate any impacts from the increased activity from dust or traffic from this operation as required by the Ministry of the Environment. Currently, the MOE Certificate of
Approval requires that dusty roads are sprayed with water to keep the amount of dust down.

Existing Certificate of Approval

The existing Ministry of Environment’s Provisional Certificate of Approval includes the following highlights:

- The Company may operate the Site between the hours of 7:00 AM and 7:00 PM, Monday to Saturday, inclusive.
- The Company accepts waste generated within the Province of Ontario.
- Transfer and processing of 100% solid non-hazardous municipal waste limited to construction and demolition waste.
- The total amount of waste accepted daily at the Site shall not exceed 100 tonnes.
- A required record keeping process, closure plan, financial insurance and contingency plan is required.

Proposed Amendment

This MOE application for an Amendment to the existing Provisional Certificate of Approval is considered acceptable. Based on the comments received from the circulated departments and the analysis undertaken, should the MOE approve the Certificate of Approval, the City of Hamilton requests a number of matters to be undertaken, as outlined in the Recommendations Section of this report.

**ALTERNATIVES FOR CONSIDERATION:**

The City of Hamilton is not the approval authority for Certificate of Approval applications, but has been requested to submit comments on this application to the MOE. The MOE will consider the City’s comments in making a decision on the application. The following alternatives are available to the City in providing comments to the MOE.

1. **Request MOE to Deny the Application**

   The City could request MOE to deny the Certificate of Approval application.
2. Request MOE to Incorporate the City’s Conditions

The circulation of the application to City Departments did not result in any objections to the proposal. Staff has identified requirements that are to be addressed through the Certificate of Approval.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – N/A.

Staffing – N/A.

Legal – Certificate of Approval applications are processed by the Ontario Ministry of the Environment under the authority of the *Environmental Protection Act*. The City of Hamilton has been formally requested to provide comments to the Ministry on this specific application.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff notes that via the Certificate of Approval process, the applicant will demonstrate consistency with the sustainability of healthy, liveable and safe communities, as outlined in Policy 1.1.1(c) of the PPS.

**Region of Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the application is for an amendment to an existing MOE Certificate of Approval for an existing waste disposal/processing facility, the proposal conforms to the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The proposal conforms with the Hamilton Official Plan. The subject lands are designated “Industrial” in the Hamilton Official Plan.
Hamilton Zoning By-law

The subject lands are zoned “K” (Heavy Industrial) District, permitting the use as a waste transfer station.

**RELEVANT CONSULTATION:**

- The Fire Prevention Division, Hamilton Emergency Services, has indicated that they have no objections subject to a maximum size and separation distance of outside storage bins, extension of the fire access route to the west of the property, and the addition of portable fire extinguishers, which have all been identified in the Analysis Section of this report.

- The Waste Management Division, Public Works Department, has advised that they have no objections to the application.

- The Water and Wastewater Division, Public Works Department, has advised that they have no objections to the application from a sewer use standpoint, subject to a number of minor operational modifications identified in the analysis section of the report.

- The Health Protection Division, Public Health Services, has advised that they have no objections to the application.

- The Traffic Engineering & Operations, Public Works Department, has advised that they have no objections.

- The Building and Licensing Division, Planning and Economic Development Department, has no objections to the application. The proposed revisions under their recent Site Plan Application are subject to issuance of a Building Permit in the normal manner.

**PUBLIC CONSULTATION**

Public notification/consultation requirements for Certificate of Approval applications are regulated by the Environmental Protection Act and administered by the MOE. Upon receipt of the application, the MOE required the applicant to circulate an information Notice to abutting property owners. The Notice provides a description of the proposed operation and the MOE requires a Notice of the proposal to be posted on the Environmental Registry (website).
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Evaluate the implications of your recommendations by indicating and completing the sections below. Consider both short-term and long-term implications.

Community Well-Being is enhanced. ☑ Yes ☐ No
Community well-being is safeguarded by providing for continued opportunities for recycling.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Waste is reduced and recycled.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:SH

Attachs. (2)