CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:  Chair and Members  
     Economic Development and Planning Committee  

WARD(S) AFFECTED: WARD 10  

COMMITTEE DATE: April 20, 2010  

SUBJECT/REPORT NO:  
Application for an Amendment to a Ministry of Environment Certificate of Approval (5328-4XUNBE) for Expansion to a Waste Disposal Site, Ministry of Environment Reference # 9666-7 YTLZR, 164 - 174 South Service Road, Stoney Creek (PED10088) (Ward 10)  

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

PREPARED BY:  
Peter De Iulio  
(905) 546-2424, Ext. 1345  

SIGNATURE:  

RECOMMENDATION:  

That the Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment (MOE) be advised that should the Ministry consider approving Application CA-10-001, RPR Environmental, Applicant, for an Amendment to a Certificate of Approval (5328-4XUNBE), MOE Reference # 9666-7 YTLZR, to permit Units 172 and 174 to be used for the storage of waste, for the lands located at 144 - 190 South Service Road, Stoney Creek, as shown on Appendix “A” to Report PED10088, that the City of Hamilton requests:  

(a) That, if approved, the Amendment to the Certificate of Approval include the following requirements:  

(i) That prior to receiving any waste materials in Units 172 and 174, the proponent obtain a building permit from the Building Services Division for the proposed conversion of Units 172 and 174 to an F1 Industrial  

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Occupancy, for the installation of a door opening in the fire separation wall between Units 170 and 172, and the installation of fume hoods and construction of a Quality Control lab in all areas (Units 164 - 174), to the satisfaction of the Director, Building Services, City of Hamilton.

(ii) That prior to receiving any waste materials in Units 172 and 174, a revised Part 4 Building Audit shall be prepared and submitted, to the satisfaction of Hamilton Emergency Services - Fire, to confirm that the existing and proposed storage of flammable and combustible liquids is in full compliance with Part 4 of the 2007 Ontario Fire Code Compendium. The Audit shall be completed by a Professional Engineer or Architect, and must include all aspects of Part 4, including the transfer and loading/unloading of the flammable and combustible liquids to/from the tanker vehicles. It shall also include spill control measures (i.e. expansion of existing berms and covering of floor drains in new floor areas to be included in the facility, and ventilation measures, including the design of the proposed fume hoods).

(iii) That the Certificate of Approval limit the maximum daily transfer of waste to a maximum rate of 597,000 litres of hazardous, liquid industrial, and other liquid waste per day, and a maximum of 398 tonnes of hazardous and non-hazardous solid waste per day.

(iv) That an inventory of waste types stored on-site should be updated daily, and be provided to the Ministry of the Environment.

(v) That waste shall only be permitted to be stored within Units 164 to 174 of the building at 144 to 190 South Service Road.

(vi) That the Certificate of Approval include strict requirements for excellent on-site housekeeping practices for the approved classes of waste to minimize adverse effects to the surrounding uses.

(vii) That the proponent implements spills prevention on-site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on-site and clean-up procedures are covered under the Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. The Contingency Plan shall also deal with run-off water from any fire fighting activity from the operation. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton, and be submitted to the satisfaction of the Ministry of the Environment.
(viii) That the Certificate of Approval includes requirements for strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services - Fire (Fire Safety Inspection Report dated February 18, 2010).

(ix) That an adequate evaluation occur to assess that the increased volume can be properly stored/processed.

(x) That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services - Fire for review and comment.

(xi) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities along with the applicable MSDS sheets, be externally stored in a secured location on site in a manner such that all noted documents are readily available to Hamilton Emergency Services - Fire, 24-hours a day, 7-days a week, 365-days a year.

(xii) That the applicant provides the City of Hamilton Traffic Engineering Group, Public Works Department, with details regarding current and expanded truck operation activity to and from the site via South Service Road, Pinelands Avenue, and Community Avenue.

(xiii) That the applicant provides the City of Hamilton Traffic Engineering Group, Public Works Department, with details on the width and radius of the existing accesses to Pinelands Avenue, apply for an Access Permit, if determined necessary, and undertake curb cuts and access widening in accordance with City standards to accommodate delivery truck designs.

(xiv) That the waste accepted be limited to waste generated only from the Province of Ontario.

(xv) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.

(xvi) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(b) That a copy of Report PED10088 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.
(c) 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.

**EXECUTIVE SUMMARY**

The applicant, RPR Environmental, has applied to the Ministry of Environment (MOE) for an Amendment to an existing Certificate of Approval for a Waste Disposal Site (transfer station) to permit two additional units (Unit 172 and 174) within their existing building to be used for the storage of waste. The type of waste to be stored on-site includes solid and liquid industrial hazardous and non-hazardous wastes. RPR Environmental currently occupies Units 162 to 170 of the industrial building located at 144 - 190 South Service Road (see Appendix “B”). Non-hazardous materials are stored in Units 164 to 166, hazardous inorganics are stored in Unit 168, and hazardous organics are stored in Unit 170. This application seeks to expand the current operations to permit the storage of an additional 160,000 litres of non-hazardous materials in the adjacent Units 172 and 174, in addition to the current storage area (see Appendix “C”), and to increase the volume of hazardous materials to be stored by 25,600 litres in each of Units 168 and 170.

The Ministry of the 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. Based on the comments received from an internal circulation of this application, and the analysis undertaken, this MOE application for a Certificate of Approval is considered acceptable, subject to a number of conditions being addressed in the amended Certificate, as will be further discussed below.

*Alternatives for Consideration - See Page 12.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Impact</th>
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<tbody>
<tr>
<td>Financial</td>
<td>N/A</td>
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<tr>
<td>Staffing</td>
<td>N/A</td>
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<tr>
<td>Legal</td>
<td>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.</td>
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</tbody>
</table>
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, 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.

NEW OFFICIAL PLAN POLICIES AND ZONING REGULATIONS REGARDING PRIVATE WASTE DISPOSAL SITES:

On June 10, 2009, Council adopted Amendment No. 148 to the Stoney Creek Official Plan, which designated the subject lands at 144 - 190 South Service Road with site-specific provisions to recognize the waste transfer station on the site. The wording of the site-specific provisions in the Official Plan and Zoning By-law permits a waste transfer facility and hazardous waste management facility on the lands known as 144 - 190 South Service Road, within Units 162 to 178 only. Therefore, this proposal to include Units 172 and 174 for waste storage conforms with the site-specific provisions in the Official Plan and Zoning By-law Amendments approved by Council.

POLICY IMPLICATIONS

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.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-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, the proposed amendment to the MOE Certificate of Approval regarding the existing waste transfer facility conforms with the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject lands are designated “Industrial - Business Park” in the City of Stoney Creek Official Plan. The primary uses permitted in this designation are manufacturing, processing of raw materials or goods, repairing and servicing operations, warehousing and storage, and transportation terminals. Further, within the recently adopted Official Plan Amendments regarding private waste disposal facilities, the subject lands have been designated with a site-specific provision permitting a waste transfer station and hazardous waste management facility within Units 162 to 178 of the building. Therefore, the proposed amendment to the MOE Certificate of Approval, to allow the expansion of the existing waste transfer facility into Units 172 and 174, conforms with the City of Stoney Creek Official Plan.

Stoney Creek Zoning By-law

The subject lands are zoned Preferred Industrial “MP-12” Zone in the City of Stoney Creek Zoning B-law No. 3692-92. The subject lands were rezoned in 2004 to permit a waste transfer station on the lands. As mentioned above in the Background section, with the Official Plan and Zoning By-law Amendments, which were passed by Council on June 10, 2009, respecting private waste disposal facilities, the subject lands at 144 - 190 South Service Road have been recognized with site-specific provisions to recognize the waste management facility on the site. The wording of the site-specific provisions in the Official Plan and Zoning By-law permits a waste transfer facility and hazardous waste management facility on the lands known as 144 - 190 South Service Road, within Units 162 to 178 only. Therefore, this proposal to include Units 172 and 174 for waste storage complies with provisions of the Zoning By-law.

New Urban Official Plan

The New Urban Hamilton Official Plan was adopted by Council on June 29, 2009, and is not yet in effect.
The subject lands are designated “Employment Areas” on Schedule “E” - Urban Structure and “Business Park” on Schedule “E-1” - Urban Land Use Designations in the new Urban Official Plan. The subject lands are also identified as a Site-Specific Area “UCW-1B”, which permits the following:

“3.0 In addition to Policies E.5.4.3 - Employment Area - Business Park Designation, E.5.3.6 - Waste Management Facilities - General Provisions, and E.5.3.8 - Hazardous Waste Management Facilities of Volume 1, for lands designated Employment Area - Business Park, a hazardous waste management facility shall be permitted at 144-190 South Service Road, Units 162-178.”

The proposed use would conform with the new Urban Official Plan.

**RELEVANT CONSULTATION**

**The Health Protection Branch, Public Health Services**, has no objection to the proposal. City of Hamilton Public Health Services (HPHS) provided comments in April, 2009, regarding this proponent’s operation (CA-09-001). The recommendations below remain relevant as they relate to adequate housekeeping, spill/fire response, and all compliance requirements put forward by Fire, MOE, MOL, etc. HPHS commends the proponent in its participation in the Waste Electronic Electrical Equipment Program under the Waste Diversion Act, and the Municipal Hazardous or Special Waste Program Plan. HPHS recognizes additional unit storage has been added, nevertheless, the Division recommends that an adequate evaluation occur to assess that the increased volume, which is equivalent to 48,300 Imperial Gallons, can be properly stored/processed. This recommendation is applicable to emergency response capability as well (Recommendations (a) (vi), (vii), (viii), and (ix)).

**The Traffic Engineering Group, Public Works Department**, has commented that the submitted reports note that there will be no change to daily receiving capacity or change in permitted length of storage for the site. The applicant has not provided any details regarding the existing truck traffic to/from the site on a daily basis, nor manoeuvring patterns of trucks on the site. The applicant proposes to accept an additional 210,000 litres of hazardous and non hazardous materials, which equates to approximately 1,050 drums. We request that the applicant provide staff with details regarding current and expanded operation truck activity to and from the site via South Service Road, Pinelands Avenue, and Community Avenue (Recommendation (a) (xii)).

We recommend, as a condition of approval, that the applicant provide the traffic engineering office with details on the width and radius of the existing accesses to Pinelands Avenue, apply for an Access Permit, if determined necessary, and undertake curb cuts and access widening, in accordance with City standards, to accommodate delivery truck designs (Recommendation (a) (xiii)).
It appears, using aerial photos, that the curb cut width for the northerly access to Pinelands Avenue is smaller than required to accommodate vehicles entering the site. Additional asphalt has been laid to widen the driveway behind the curb line; however, the roadside curb is not cut to that additional width. The applicant or owner must ensure that the access design reflects the needs of the tenants for the site, and undertake any necessary improvements, at their cost. Any widening of the southerly access, which appears to be the main truck access, should also be undertaken at this time.

We require minimum 5.0m x 5.0m vision triangles adjacent to the accesses to Pinelands Avenue, in which no object or landscaping may exceed a height of 0.7m above the centreline elevation of the roadway.

A minimum clearance of 1.2m is required between an access and existing utility pole, tree, fire hydrant, etc.

**The Operations and Waste Management Division, Public Works Department**, comments that this proposal is for an amendment to an existing Certificate of Approval to allow for an increase in hazardous waste storage volume of 25,000 litres in each of Units 168 and 170, and to allow for the storage and processing of non-hazardous and recyclable materials in Units 168, 170, 172, and 174. The source of waste is from the commercial and institutional sectors - non-hazardous and hazardous organic and inorganic wastes.

There is no impact on the City of Hamilton's Solid Waste Management Master Plan (SWMMP) or the Waste Management System which provides service predominantly to the residential sector. The proposal complements the SWMMP, in that it will predominantly provide service to the industrial, commercial and institutional (IC&I) sector. As well, this proposal will provide a transfer and processing local for Waste Electrical and Electronic Equipment Program Plan (WEEE) waste.

**Hamilton Emergency Services, Fire Prevention Division** - The Fire Department has no objection to the issuance of this Certificate of Approval providing that the applicant complies with the following requirements:

1. Obtain a building permit from the City of Hamilton, Building Services Division, for all of the following:
(i) The proposed conversion of the tenant space at 172 and 174 South Service Road to an F1 Industrial Occupancy for the storage of some hazardous waste. **NOTE:** The proposed total building area of the entire facility may now require the installation of a fire alarm system, sprinkler system, or both, which would be required to be designed by a Professional Engineer or Architect.

(ii) The installation of the proposed door opening in the existing fire separation walls between 170 and 172 South Service Road.

(iii) The installation of fume hoods and construction of a Quality Control lab in all areas (164 - 174 South Service Road).

2. Provide written confirmation that the proposed storage will comply with Part 4 of the Ontario Fire Code. If this is not to be the case, a revised Part 4 Building Audit and Action Plan shall be prepared and submitted to this department to confirm that the proposed storage of flammable and combustible liquids is in full compliance with Part 4 of the 2007 Ontario Fire Code Compendium. The Audit shall be completed by a Professional Engineer or Architect, and must address all areas under Part 4 of the Ontario Fire Code. **NOTE:** Further, the existing Part 4 Audit (finalized in June of 2009) does not include the newly-occupied units (#172 and #174).


4. That the proponent implements spills prevention on-site, and containment measures be included in the Certificate of Approval. That the Contingency Plans for spills on-site and clean-up procedures are covered under the Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton. That the spill prevention and contingency plan be submitted, to the satisfaction of the Ministry of the Environment.

5. Strict adherence to all department/agency requirements, including those of the Ministry of Environment, Ministry of Labour, and Hamilton Emergency Services-Fire.

6. That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services-Fire for review and comments.
7. That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list, including product quantities and exact location within all facilities along with the applicable MSDS sheets, be externally stored in a secure location on-site in a manner such that all noted documents are readily available to Hamilton Emergency Services-Fire 24/7, 365.

Included in Recommendations (a) (i), (ii), (iv), (vii), (viii), (x), and (xi).

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 normally requires the applicant to circulate an Information Notice to abutting property owners. The Notice provides a description of the proposed changes to the operation. The MOE will also post a Notice of the proposal on the Environmental Registry (website) for a 30-day comment period. The MOE posted this proposal on the Environmental Registry on January 19, 2010. The MOE has been notified that the City of Hamilton would not meet the commenting deadline for this application, and has granted the City an extension to the deadline in order to ensure that the City’s comments are received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Site Operations

RPR Environmental is a waste transfer operation, which specializes in the transfer of organic and inorganic hazardous and non-hazardous wastes. RPR Environmental picks up waste from clients across Ontario, in the industrial, commercial, and institutional sectors. The waste is transferred to the site at 144 - 190 South Service Road, where it is stored for a maximum of 90-days. No processing of waste takes place at the subject property. The waste is stored on-site in contained drums until it is transferred to its final disposal site, elsewhere in Ontario or the United States. The site operates 24-hours a day, and 7-days a week.

Currently, waste is only stored in Units 164, 166, 168, and 170 (see Appendix “B”). Units 164 and 166 contain non-hazardous material, Unit 168 contains hazardous inorganics, and Unit 170 contains hazardous organics. The current proposal seeks to include Units 172 and 174, which is already leased by the applicant, as additional storage space, and to increase the volume of materials stored in Units 168 and 170. If approved, as shown on Appendix “C”, materials would now be stored within Units 164 to 174 as follows:
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

<table>
<thead>
<tr>
<th>Unit</th>
<th>Material</th>
<th>Volume (litres)</th>
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<tbody>
<tr>
<td>164 and 166</td>
<td>Non-Hazardous Waste</td>
<td>54,400</td>
</tr>
<tr>
<td>168</td>
<td>Hazardous Inorganic Waste</td>
<td>51,142</td>
</tr>
<tr>
<td>170</td>
<td>Hazardous Organic Waste</td>
<td>51,142</td>
</tr>
<tr>
<td>172 and 174</td>
<td>Non-Hazardous Wastes</td>
<td>160,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>316,684</strong></td>
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It is noted that the applicant also leases Unit 162, which is used for office space. In addition, the applicant has noted that they may have future plans to expand their operation into additional units within the building (Units 176 and 178). As such, the site-specific provisions included in the new Official Plan policies and Zoning By-law regulations recognize that a hazardous waste management facility may be permitted within Units 162 to 178 of the building. However, any proposal to store waste within additional units within the building, or to increase the amount of hazardous or non-hazardous waste stored or transferred on the site, would require an amendment to the Certificate of Approval (Recommendation (a) (v)).

**Stored Volume**

The maximum amount of waste which may be transferred at this facility in any 24-hour period is as follows:

<table>
<thead>
<tr>
<th>Material</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Hazardous Liquid</td>
<td>199,000 litres</td>
</tr>
<tr>
<td>Liquid Industrial</td>
<td>199,000 litres</td>
</tr>
<tr>
<td>Other Liquid Waste</td>
<td>199,000 litres</td>
</tr>
<tr>
<td>Hazardous Solid</td>
<td>199 tonnes</td>
</tr>
<tr>
<td>Non-Hazardous Solid</td>
<td>199 tonnes</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>597,000 litres/398 tonnes</strong></td>
</tr>
</tbody>
</table>

These amounts are currently permitted in the existing Certificate of Approval, and no changes are proposed through this amendment to the Certificate. The maximum amount of waste that may be stored at any one time is 597,000 litres of hazardous, liquid and other liquid wastes per day, and 398 tonnes of hazardous and non-hazardous solid waste per day (Recommendation (a) (iii)).

**Conditions of Approval**

Based on circulation of this application to other City departments and the analysis undertaken, this MOE application for a Certificate of Approval is considered acceptable, subject to a number of conditions being addressed in the amended Certificate. Most of these recommended conditions are addressed in the Relevant Consultation section of this report. In addition, several standard conditions of approval are also recommended,
relating to financial assurances to the MOE for final site clean-up, limitation on the origin of the accepted waste, and identification of an MOE contact for all issues related to the operation (Recommendations (a) (xiv), (xv), and (xvi)).

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

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 that the MOE deny the Certificate of Approval application.

2. **Request MOE to Incorporate the City’s Conditions**
   - The City can request that certain conditions be included in the Certificate of Approval, if approved. 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, as specified in the Recommendations section of this report.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Intergovernmental Relationships**
- Maintain effective relationships with other public agencies.
- Continue to work with the Ministry of the Environment.

**Growing Our Economy**
- Competitive business environment.
- Supporting the expansion of an existing business.
Environmental Stewardship

- Reduce the impact of Hamilton’s industrial, commercial Private and Public operations on the environment.
- An existing business is disposing of hazardous and non-hazardous wastes in a controlled environment, and appropriate safeguards will be put in place through the MOE Certificate of Approval to address spills on site, thereby protecting the surrounding environment in case of spill or accident.

APPENDICES / SCHEDULES

Appendix “A”: Location Map
Appendix “B”: Layout of Existing Operation
Appendix “C”: Layout of Expanded Operation

:PD
Attachs. (3)