SUBJECT: Planning Study of Private Waste Disposal Sites (PED08064(a)) (City Wide)

RECOMMENDATION:


b) That Committee/Council approve the following recommendations/directions resulting from this Planning Study:

i) That regular discussions be held between the City of Hamilton and the Ministry of the Environment, Hamilton District, in order to foster a more conducive working relationship in the processing of Certificate of Approval applications for private waste facilities.

ii) That the Planning and Economic Development Department maintain a complete inventory of private waste facilities within the City.

iii) That the Planning and Economic Development Department be directed to initiate Official Plan and Zoning By-law Amendments to implement the recommendations of the Study, and that a public meeting be scheduled at the Economic Development and Planning Committee to consider the proposed amendments in early 2009.

iv) That Interim Control By-law 08-104, as amended by By-law 08-117, continue in effect until the Official Plan and Zoning By-law Amendments recommended by the Study are enacted, and finally approved.

v) That the proposed Official Plan and Zoning By-law Amendments in Recommendation a) (iii) above, include provisions that would recognize existing private waste facilities as permitted uses and that any
expansion to these existing uses would be required to comply with the policies and zone provisions for new facilities.

vi) That the Planning and Economic Development Department hold periodic discussions with the private waste facility industry regarding new technology that could change the separation distances recommended by the Study, changes to legislation and its effect on facility operators, and regarding updates on Ministry of the Environment responsibilities.

vii) That the new Official Plan provide policies for public waste facilities and that consideration be given to applying the same policy and zone provisions as applied for private facilities.

c) That the Planning and Economic Development Department be authorized to release the Planning Study of Private Waste Disposal Sites, prepared by Jacques Whitford Limited, dated October 21, 2008, to agencies, stakeholders and the general public.

Due to the size of Appendix “A” to Report PED08064(a), a full, hard copy of this document is available for public viewing in the Clerk’s Division, Corporate Services Department, Hamilton City Centre, 77 James Street North, Suite 220, Hamilton, as well as on the City of Hamilton website at www.hamilton.ca.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of this Report is to inform Committee about the findings of the Planning Study of Private Waste Disposal Sites, attached as Appendix “A” to this Report, by Jacques Whitford Limited, dated October 21, 2008, and to request that Committee adopt the study’s recommendations and authorize staff to release the study to various agencies, stakeholders and the general public.

The Planning Study of Private Waste Disposal Sites (attached as Appendix “A” to this Report) was undertaken to review the issues and concerns with the establishment of private waste facilities within the City, to identify alternative strategies to address them, and to recommend a preferred strategy and an implementation plan. The study considers private waste facilities which require a Certificate of Approval from the Ministry of the Environment in accordance with the Environmental Protection Act.

Based on research, public and Ministry of the Environment (MOE) input, and discussions with the Steering Committee, the study’s main recommendation is to
manage private waste facilities through Official Plan and Zoning By-law Amendments (see Appendix “J” of Appendix “A” of this Report). This management would include policies and regulations based on the areas of influence for industrial facilities as contained in the Ministry of the Environment’s Guideline D-6 *Compatibility Between Industrial Facilities and Sensitive Land Uses*. New facilities and expansions to existing facilities, which comprise processing, thermal and transfer operations, which meet the Guideline’s area of influence distances from sensitive land uses, would be pre-zoned. New facilities and expansions of these types of operations not meeting the distance requirements, and disposal and hazardous facilities, would require a site specific Official Plan Amendment and/or Zoning By-law Amendment based on certain required studies to be submitted by the applicant.

The study also makes recommendations: which will assist the City in developing a better working relationship with the MOE; that a more complete inventory of private waste disposal sites be undertaken; that the City’s Interim Control By-law applying to private waste facilities be repealed once the Official Plan and Zoning By-law Amendments are approved; that the City hold periodic discussions with the private sector regarding these facilities; and that the City consider the same types of policies and regulations for public facilities in the development of its new Official Plan and Zoning By-law.

**BACKGROUND:**

The purpose of this Report is to:

- Inform Committee about the findings of the Planning Study of Private Waste Disposal Sites, prepared by Jacques Whitford Limited, dated October 21, 2008, and to request that Committee adopt the study’s recommendations, including a direction to staff to initiate Official Plan and Zoning By-law Amendments to implement the recommendations of the study, with the statutory public meeting to consider the Amendments in early 2009; and,

- Request authorization to release the study to agencies, stakeholders and the general public.

As indicated in Information Report PED08064 (attached as Appendix “B” to this Report) which was received by Committee on April 15, 2008, the City’s current Official Plans and Zoning By-laws do not provide any comprehensive policies or regulations for new or expanding private waste facilities. As such, the only opportunity the City has to control these facilities is through comments provided to the Ministry of the Environment on the circulation of Certificate of Approval applications.

Jacques Whitford Limited was retained by City staff in January 2008 to undertake the subject study. The study was undertaken to review the issues and concerns with the establishment of private waste facilities within the City, to identify alternative strategies to address them, and to recommend a preferred strategy and an implementation plan. The work program for the study and the composition of the Steering Committee for the study are outlined in Appendix “B” of this Report.
On April 23, 2008, Council passed Interim Control By-law 08-104 and on May 14, 2008, Council passed By-law 08-117, amending By-law 08-104. The Interim Control By-law, as amended, prohibits the introduction of any new private waste facility (except those which recycle concrete waste from sites for construction on the same site) within all industrially zoned lands in the City, except within the West Hamilton Innovation District and the Barton Street and Tiffany Street Industrial Area (where current Interim Control By-laws apply). Private waste facilities legally existing or for which a Certificate of Approval application had been filed with the MOE prior to the passing of the by-law, are unaffected. The by-law applies for one year and the intent is that it will remain in place until new policies and zoning are passed to implement the recommendations of the subject study.

Section 38 of the Planning Act provides that where Council directs that a study be undertaken in respect of land use planning policies in the City, Council may pass an Interim Control By-law to be in effect for one year, prohibiting such uses as are set out in the by-law. The provisions allow Council to amend the by-law to extend the By-law's effect for an additional year. No notice or hearing is required prior to passing the by-law, but notice of passing is required. Any person or public body may appeal to the OMB within 60 days of the by-law's passing (one appeal remains outstanding on the subject by-law). Should the Interim Control By-law expire and no new zoning is passed upon completing the study, the prior zoning applies. If the Interim Control By-law expires, but before it expires, Council passes new zoning and the new zoning is appealed, then the Interim Control By-law continues in effect as if it had not expired until the OMB decides on the appeal.

**ANALYSIS/RATIONALE:**

**1.0 PLANNING STUDY OF PRIVATE WASTE DISPOSAL SITES**

The Planning Study of Private Waste Disposal Sites in Appendix “A” of this Report makes the following findings and recommendations:

**1.1 Facilities Considered**

The study considers private waste facilities requiring a Certificate of Approval from the MOE under the Environmental Protection Act. A wide range of waste materials are managed by these facilities which are defined in Regulation 347 (Appendix “K” of Appendix “A” of this Report). Section 3.1 of the study provides details about the types of waste facilities with pictures for each type in Appendix “B” of the Study. The types of facilities considered include:

- **Waste Processing:** Involves programs and facilities which collect a used material and processes it back into a usable product.

- **Thermal Treatment:** Is the disposal of waste under controlled conditions by heating or combusting the waste in an approved thermal processing facility.
Waste Transfer: Involves the transfer of material from waste collection vehicles, smaller trucks and cars and the transfer of bulked waste loads into larger, more efficient vehicles for transport to a waste management facility. It consists of a transfer station and transfer vehicles.

Waste Disposal: Involves the placement of waste under controlled conditions on land by spreading the waste in thin layers, compacting the waste into a cell or trench and covering it with suitable cover material at regular intervals (i.e. landfill).

Hazardous Waste Facilities: Involves the transfer for processing and/or disposal of materials that can pose a substantial or potential hazard to either human health or to the environment when improperly managed. These materials posses poisonous, corrosive, radioactive, explosive and/or flammable properties. Facilities where these materials may be managed include reprocessors and reclaimers, landfill sites, thermal treatment facilities, transfer stations and processing facilities.

Section 3.2 of the study identifies the characteristics that each of the various types and sub-types of these facilities has in terms of traffic, air emissions, dust, odour, flies/vermin/birds, noise, litter, water resources, visual intrusion, land stability/geology, fire, and vibration.

1.2 Current City of Hamilton Facilities and Application History

Figure 1 of the study identifies the location of the existing 16 private waste facilities in the City, comprising 13 waste transfer stations, 1 material recovery facility (waste processing), 1 landfill site (waste disposal), and 1 composting facility (waste processing). Although there are only 16 existing facilities in the City, most of which are in the older industrial areas of the Bayfront/East Hamilton, the City receives on average, 4 applications for Certificate of Approvals per year to comment on from the MOE (average of past 11 years). These applications are often for increased capacity of an existing facility, to amend the hours of operation, and/or to accept new streams of waste.

1.3 Current Applicable Policies and Legislation

Section 3.4 of the study reviews a wide range of policies and legislation applicable to both public and private waste facilities. These include, the City’s Solid Waste Management Master Plan (applies to the public sector), Vision 2020 objectives, the work of Clean Air Hamilton, current City of Hamilton Official Plan policies and zoning regulations, the current Interim Control By-law applying to private waste facilities, a broad range of Federal and Provincial legislation which can be applicable, and the Certificate of Approval process administered by the MOE. The only policies and legislation administered by the City in controlling these types of facilities are the City’s OPs and Zoning By-laws which generally do not contain effective policies/regsulations, as these documents largely pre-date the initial development of these types of facilities.
1.4 Policy Approaches in Other Jurisdictions

Section 3.5 and Appendix “F” of the study reviews the current OP policy and zoning regulations for private waste facilities from various municipalities both inside and outside the Greater Golden Horseshoe. The review indicates a wide range of approaches taken towards governing these uses, from very general policies requiring proponents to apply for an Official Plan Amendment for any type of facility, to very specific location/compatibility criteria that must be met in granting a site specific OP and/or Zoning By-law Amendment for certain types of facilities, to permitting certain types of facilities as-of-right in specific zones. Where criteria is cited in the OPs, much of it reflects the types of characteristics for each type of facility cited in Section 3.2 of the subject study (i.e. noise, odour, etc.). The review indicates that there is no consistent approach in governing these facilities.

Of interest, is the recent Incineration and Waste Processing Transfer and Disposal Study undertaken by Marshall Macklin Monaghan Group Limited, dated July 2007, for the City of Brampton. That study takes a similar approach to regulating these types of facilities as recommended in the attached study (see Section 1.7 below). The Brampton study’s recommendations are based on options of prezoning or requiring site specific Official Plan and/or Zoning By-law Amendments, depending on the type of facility and whether or not the facility meets the area of influence criteria in the MOE D-6 Guideline.

1.5 Alternative Approaches to Managing Private Waste Facilities

Discussions with the Steering Committee for the Study identified the following list of issues/concerns to be addressed in the management of private waste facilities:

1. The City’s current Official Plan policies and zoning regulations need to be updated to control private waste facilities.

2. The MOE Certificate of Approval process does not allow sufficient time for the City to review and provide comments.

3. Concern with enforcement and monitoring of Certificate of Approvals by the MOE.

4. Potential cumulative impacts on adjacent land uses and sites.

5. Economic considerations with respect to private waste facilities.

The following alternative approaches to managing these facilities were evaluated, and consider the issues/concerns identified by the Steering Committee:

Alternative 1: Status Quo: Mainly controlling these facilities through comments/recommendations to the MOE on Certificate of Approval applications.

Alternative 2: Status Quo with MOE enhanced Relationship: This alternative would maintain the current Official Plan and zoning regulations but allow for more
information and time in responding to MOE circulations of Certificate of Approval applications. It would require an agreement, memorandum of understanding or other protocol between the City and the MOE and would require the MOE to withhold their approvals until comments are received by the City and/or have the EBR posting of the applications increased from 30 to 60 days, and require the MOE to circulate amendment applications to the City for formal comments. It could also allow for better information about these applications be obtained by the City prior to the time period for comments commencing.

Alternative 3: Manage these facilities more effectively through Official Plan policies and zoning regulations. This alternative considers 3 types of control: pre-zoning certain types of facilities, requiring site specific rezonings, and requiring site specific Official Plan Amendments and rezonings. Site Plan Control approval would be required in all cases. This alternative may also include an enhanced relationship with the MOE as described in Alternative 2 (above).

These alternatives were also presented with other material at a Public Open House and discussed with the MOE (see Sections 1.8 and 1.9 below).

Each alternative was then analyzed in terms of its advantages/disadvantages in addressing the issues/concerns identified by the Steering Committee (Tables 4 and 5 of the study).

1.6 Preferred Alternative Approach

The study found Alternative 3 from the above (new Official Plan policies and zoning regulations with an MOE enhanced relationship) to be the preferred alternative.

The advantages cited include: more effective cooperation with the MOE, more control over these types of facilities, more control over the cumulative effects of these facilities where pre-designated/prezoned, and the ability to tailor the controls to the type of private waste facility based on their impacts.

The primary disadvantage identified for this alternative was that from an economic view point, some operators may be deterred from locating in Hamilton due to more stringent controls than currently existing. However, the study acknowledges that private waste disposal facilities would not be prohibited and only required to locate where compatibility can be assured.

1.7 Implementation of Preferred Approach

Table 6 of the study summaries the implementation strategy for the preferred approach to manage private waste facilities through new Official Plan policies and zoning regulations.

Based on discussions with the MOE, most of the facilities under consideration (i.e. waste processing, thermal treatment, and waste transfer) are considered Class II industrial facilities by the MOE’s Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, with a potential area of influence on sensitive land
uses (i.e. residential/institutional) of 300 metres. Waste disposal facilities and hazardous waste facilities are considered Class III industrial facilities and the potential area of influence is 1000 metres.

The proposed implementation strategy is for the City to approve new Official Plan policies and zoning regulations (Appendix "J" of Appendix "A" of this Report) which would only permit these types of facilities within the interior of the older industrial areas and within the interior of the business parks. The facilities would be permitted in staff’s proposed Employment Area – Industrial Land and Employment Area – Business Park Official Plan designations and corresponding General Industrial M5 Zone and General Business Park M2 Zone (Report PED08146 considered by Committee on June 23, 2008). The Official Plan and Zoning By-law Amendments would:

- Permit waste processing, thermal treatment and waste transfer stations as-of-right, providing they are a minimum 300 m from a sensitive land use (i.e. residential or institutional use) and subject to: a Design and Operations report on how to mitigate the adverse impacts of odour, vermin, litter and visibility; air and noise impact reporting; on-site wastewater and stormwater management; and adequate setbacks from natural and cultural heritage features. The issues of distance from sensitive land uses and from natural and cultural heritage features would be addressed by the application of the prezoning; the other issues would be secured through the Certificate of Approval (C of A) from the MOE and Site Plan Control.

- Require a site specific rezoning for the above facilities if between 300m and 70 m distance from a sensitive land use with a requirement to submit the above studies, plus a study to address mitigation from general impacts on sensitive land uses (i.e. noise, odour, vibration, dust and traffic) and a Traffic Impact Study to address the provision of traffic control measures. Mitigation measures from the additional studies, would be secured in the zoning, C of A approval, and through Site Plan Control.

- Require both site specific Official Plan and Zoning By-law Amendments for the above facilities if less than 70 metres from a sensitive land use. The same studies as for a site specific rezoning would be required, plus a study identifying how the distance from sensitive land uses would be appropriate based on the unique characteristics of the development and the surrounding uses. The additional study would address any special aspects or technologies employed which cannot be foreseen and which would allow the lesser distance. Mitigation measures from the additional study would be secured through the zoning, the C of A, and Site Plan Control.

- Require both site specific Official Plan and Zoning By-law Amendments for any waste disposal (i.e. private landfill) or any hazardous waste facility. These types of proposals would require the same studies as required for non-disposal/hazardous facilities which require site specific amendments to the Official Plan and Zoning By-law, except that general mitigation from the impacts on sensitive land uses would have to account for sensitive uses within 1000 metres of the facility rather
than 300 m; the general appropriateness of the proposal in relation to the surrounding uses would need to be addressed; justification would be needed that the separation distance from sensitive land uses would protect the general public’s health and safety; and an assessment of the health and safety risks in the event of an accident/malfunction and contingency measures would need to be provided. The Environmental Assessment Act and other statutes may also impose additional requirements for hazardous facilities.

The consultant has reviewed staff’s proposed General Industrial M5 Zone for the older industrial areas and proposed General Business Park M2 Zone for the business parks (Report PED08146) and concludes that the permitted uses should be amended to add “Private Waste Processing, Private Waste Transfer, and Private Waste Thermal Treatment Facilities” and that no changes to the proposed regulations are needed. Staff notes that these types of waste facilities are considered Class II industrial facilities under the MOE D-6 Guideline and that the M5 and M2 Zones already propose to permit a range of Class I, II and III industrial uses.

The consultant’s recommended minimum distances are based on the MOE Guideline D-6 “areas of influence” which are greater than the “minimum separation distances” provided in the Guideline and used by staff for other types of industrial uses in the Employment Area Zones (Report PED08146). For example, the Guideline’s minimum area of influence from a sensitive land use for Class II industry is 300 m and for Class III industry is 1,000 m, versus the Guideline’s minimum separation distance from a sensitive land use for Class II industry of 70 m and for Class III industry of 300 m. The greater distance has been used by the consultant out of an abundance of caution and in recognition that private waste facilities will be specifically defined as a new permitted use compared to the other types of manufacturing/industrial uses which have historically existed in the City, in closer proximity to sensitive land uses.

1.8 Public Consultation

On June 26, 2008, City staff and Jacques Whitford hosted a Public Open House for the study. Background information was presented concerning the general work program for the study, the types and impacts of the various private waste facilities under consideration, and the advantages/disadvantages of the alternative approaches to controlling the facilities. The materials and submitted comments are provided in Appendix “H” of the study.

Thirteen (13) persons attended the Public Open House of which 5 represented waste management companies. From the verbal comments and 1 written comment submitted, clarification was requested about: the timelines for the study; MOE’s role in approving the facilities; information about the location of existing hazardous facilities; how existing facilities would be impacted; and if there will be additional consultation about the study. The study proposes that existing facilities be recognized in the zoning and that expansions comply with the proposed Official Plan policies and zoning for new facilities. In response to questions about additional consultation, staff noted that the subject study would be posted on the City’s web site and that those attending would be contacted when the posting occurs. Additionally, should ED&PC/Council approve moving forward with the Recommendations of this Report,
information will be provided about where to view the study as part of the initiated Official Plan and Zoning By-law Amendments and an opportunity for public comment will be afforded prior to and at the statutory public meeting.

1.9 Consultation with the Ministry of the Environment

Section 6.2 and Appendix “I” of the Study outline discussions with the MOE District Office with a view to obtaining an enhanced relationship with the MOE regarding allowing the City more time to respond to Certificate of Approval applications and in obtaining better information on the applications. It was agreed that City staff and MOE District staff should meet with the Environmental Assessment and Approvals Branch (EAAB) in Toronto to discuss the possibility of an agreement/MOU/protocol as outlined in Alternative 2 in Section 1.5 (above). At the time of writing this Report, that meeting was being coordinated. Based on discussions with the City’s Legal Services, staff will be amending the City application forms for the review of MOE Certificate of Approval circulations to require that the applicants submit the same supporting information as filed with the applications to the MOE (not including confidential information).

1.10 Study Recommendations

The Planning Study of Private Waste Disposal Sites makes the following recommendations which staff concur with:

1. **Hold regular discussions with the MOE, Hamilton District in order to foster a more conducive working relationship.**

   Initial discussions with the MOE indicate that they may not be willing to enter into any formal agreement with the City because of the precedence it may create. Should the City not be able to obtain such an agreement, the City may still attempt to improve their working relationship with the MOE by suggesting periodic update meetings. Informal meetings would not set precedence, yet they may still benefit the City as they would have the opportunity to explain their difficulties in dealing with C of As directly to the MOE.

2. **Maintain a complete inventory of private waste facilities.**

   The City does not currently have an updated listing of all private waste facilities within City boundaries. In order to properly address the potential impacts of waste facilities and ensure the appropriate separation distances are implemented, the City should complete an inventory of all private waste facilities.

3. **Approve Official Plan and Zoning By-law Amendments.**

   Using the preferred alternative identified in this report, amendments to the Official Plans and Zoning By-laws should be approved as soon as possible as per Section 7.3. The suggested Official Plan and Zoning By-law Amendments are located in Appendix “J” of the study, attached as Appendix “A” to this Report.
4. Continue the Interim Control By-law until the Official Plan(s) and By-law amendments are enacted.

The Interim Control By-law prohibits the creation of any new private waste facilities as well as the expansion of any current facilities for most industrially zoned lands. This By-law should remain in place until such time as amendments to the Official Plan(s) and Zoning By-law are finally approved in order to protect adjacent sensitive land uses.

5. Include provisions for existing facilities in the amendments.

Legally existing private waste facilities should be allowed to continue operation. Expansion of existing private waste facilities should be considered as per Appendix “J” of the study, attached as Appendix “A” to this Report.

6. The City should hold periodic discussions with the private sector.

Discussions should focus on new technology that could change the separation distances identified in this report, changes in legislation and how it would affect private waste facility operators, and updates on MOE responsibilities.

7. City Staff should address public waste facilities.

City staff should address public waste management facilities prior to the completion of the new OP in June 2009. The City should consider using the same parameters for public facilities as those suggested in this report for private facilities.”

2.0 CITY INITIATED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

Recommendation a)(iv) of this Report, recommends that Committee direct staff to initiate the process for Council to consider Official Plan and Zoning By-law Amendments to implement the study’s recommendations, with notification and a public meeting as required by the Planning Act, in early 2009. The proposed amendments would be based upon those in Appendix “J” of the Study attached as Appendix “A” to this Report.

Staff are aware that there are a number of private waste facility proponents awaiting the outcome of the subject study and the repeal of the Interim Control By-law. As such, staff recommend amending all of the current Official Plans and Zoning By-laws for the urban and rural areas to implement the recommendations of the study as soon as possible, rather than waiting to incorporate the amendments as part of the City’s new Official Plan and Zoning By-law Reform programs (Employment Area components for the urban area scheduled for approval by Council in June 2009).

Should Council approve the proposed amendments, staff would recommend repealing the Interim Control By-law upon the amendments taking effect.
ALTERNATIVES FOR CONSIDERATION:

An alternative method of implementing the study’s recommendations is to delay implementation until such time as the first comprehensive draft of the urban Official Plan and all of the urban Employment Area zones are prepared for approval in the Spring of 2009, and that any new rural Employment Area zones which have been passed prior to this also be amended in the Spring to implement the study’s recommendations.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A
Staffing: N/A
Legal: N/A

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

Policy 1.6.8.1 of the PPS provides that waste management systems need to be provided that are an appropriate size and type to accommodate present and future requirements, and which facilitate, encourage and promote reduction, reuse and recycling objectives. They must be located and designed in accordance with Provincial legislation and standards.

“Waste management systems" are defined to mean sites and facilities to accommodate solid waste and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

The study’s proposed implementation plan is consistent with the PPS.

Current Official Plans

Section 3.4.4 of the study, attached as Appendix “A” to this Report, outlines the current Official Plan policies relating to waste. None of these policies provide specific criteria regarding private waste facilities. Consequently, new policies are needed to address these facilities.

RELEVANT CONSULTATION:

The following Departments and Agencies were consulted on the subject Study:

Ministry of the Environment, Hamilton District was consulted by City staff and the consultant regarding ideas for allowing more time to comment and information
regarding Certificate of Approval circulations. Section 1.9 of this Report summarizes the discussion and the minutes of the meeting are contained in Appendix "I" of Appendix “A” to this Report.

**Planning and Economic Development Department, Strategic Services/Special Projects Division and Planning Division; Public Works Department, Waste Management Division and the Traffic Operations and Maintenance Section; Public Health Services Department; and Hamilton Emergency Services Department** were represented on the Steering Committee for the study.

**Public Consultation**

On June 26, 2008, City staff and Jacques Whitford hosted a Public Open House at the Hamilton Convention Centre for the Study, notice of which was published in the Hamilton Spectator on June 20, 2008. Thirteen (13) persons attended the Public Open House of which 5 persons represented waste management companies. The comments received are summarized in Section 1.8 of this Report.

Should Council approve Recommendation b) of this Report, then notice of a public meeting for the proposed Official Plan and Zoning By-law Amendments will be given in accordance with the requirements of the Planning Act.

**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.

- **Community Well-Being is enhanced.** ☑ Yes ☐ No
  The proposed Official Plan and Zoning By-law Amendments to implement the study’s recommendations ensure compatibility of private waste facilities with the surrounding community.

- **Environmental Well-Being is enhanced.** ☑ Yes ☐ No
  The proposed Official Plan and Zoning By-law Amendments provide policies/regulations to promote recycling and in protecting the environment.

- **Economic Well-Being is enhanced.** ☑ Yes ☐ No
  The proposed Official Plan and Zoning By-law Amendments allow the development of private waste facilities in a compatible manner.

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

N/A

RW/dkm
Attachments. (2)
Draft FINAL REPORT

Planning Study of Private Waste Disposal Sites

CITY OF HAMILTON

Project No. 1035088
PROJECT NO. 1035088

REPORT TO

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Senior Project Manager
Strategic Services/Special Projects Division
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FOR

City of Hamilton

ON

Planning Study of Private Waste Disposal Sites

October 21, 2008

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APPENDIX E  City of Hamilton Interim Control Bylaw
APPENDIX F  Ontario Municipalities with Private Waste Site Specifications in their Official Plans
APPENDIX G  Steering Committee Workshop Materials
APPENDIX H  Public Open House Consultation Materials
APPENDIX I  Meeting Minutes from Meeting with the Ministry of the Environment
APPENDIX J  Proposed Official Plan and Zoning By-law Amendment
APPENDIX K  R.R.O. 1990, Regulation 347
EXECUTIVE SUMMARY

The City of Hamilton ("the City") is currently in the process of updating its Official Plans and Zoning By-laws. An area that has been identified by the City as lacking in its current Official Plans and Zoning By-laws is policies/regulations to govern the management of private waste facilities. Given that the City does not have appropriate policies/regulations to govern them, the only opportunity for the City to provide input into the specifics of private waste disposal sites is by comments to the Province for its consideration during the circulation of certificate of approval applications. A number of concerns related to the City’s lack of policy/regulations, the certificate of approval process, and nuisance effects related to private waste facilities, are the impetus for this study.

The purpose of the study is to undertake a planning review of issues and concerns associated with the establishment of private waste management sites in the City, to identify alternative strategies to address the issues, and to recommend a preferred strategy with direction on required Official Plan policies, zoning regulation, and other City approvals.

The materials under consideration in this study include all wastes as designated under the Province of Ontario Environmental Protection Act - R.R.O. 1990, Regulation 347 - General — Waste Management.

A review of current policies and legislation guiding the City of Hamilton was completed, including the City’s current Official Plans and Zoning By-laws. The review indicated the City does not have appropriate policies or regulations in place to deal with private waste facilities as many of the planning documents do not address private waste facilities or do not address the range of facilities that could potentially locate in Hamilton. A review of Official Plans from other municipalities was conducted to determine how private waste facilities are managed in other jurisdictions.

Based on the above reviews, three alternatives were presented to the Steering Committee for their review and comment. The alternatives are:

1. Status Quo;
2. Status Quo with an enhanced MOE relationship; and,
3. Manage development through Official Plan and Zoning By-law control mechanisms.

Discussions with the Steering Committee and an evaluation of the alternatives indicated the City preferred to manage private waste facilities through Official Plan and Zoning By-law control mechanisms. Using the Ministry of the Environment’s Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, a hierarchy was established whereby those facilities with the least potential noxious impacts would be permitted to locate in pre-zoned areas provided they meet the minimum area of influence distance. Should a facility wish to locate in an area that does not meet the minimum area of influence distance, additional studies as well as an amendment(s) to the Official Plan and/or Zoning By-law would be required. Existing private waste management facilities will be allowed to expand, provided the criteria in the suggested Official Plan Amendment are satisfied. The following table applies the use of Guideline D-6 to private waste facilities:
<table>
<thead>
<tr>
<th>Facility</th>
<th>Manage development through Official Plan and Zoning By-law Control Mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A.</strong></td>
<td>Allow Facilities to Locate in Areas Pre-Zoned for that Type of Private Waste Facility. Site Plan Approval is required.</td>
</tr>
<tr>
<td><strong>B.</strong></td>
<td>Facilities require Re-Zoning and Site Plan Approval.</td>
</tr>
<tr>
<td>Waste Processing (e.g., Material Recovery Facility/Processing of Blue Box Recyclables, Open-Air Organics Processing Facility, Mixed Waste Processing Facility, etc.)</td>
<td>A minimum separation distance of 300 metres from a sensitive land use is required.</td>
</tr>
<tr>
<td>Thermal Treatment Facilities (e.g., Refuse-derived-Fuel Manufacturing Facilities, Thermal Treatment/Energy-from-Waste facility, etc.)</td>
<td>A minimum separation distance of 300 metres from a sensitive land use is required.</td>
</tr>
<tr>
<td>Waste Transfer (e.g., MSW Transfer Station, Recyclables Transfer Station, Organics Transfer Station, etc.)</td>
<td>A minimum separation distance of 300 metres from a sensitive land use is required.</td>
</tr>
<tr>
<td>Waste Disposal (e.g., Landfill)</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Hazardous Waste (e.g., Any facility receiving and processing hazardous waste materials)</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
The City is developing separate Official Plans for rural and urban areas. Although rural and urban areas are distinctly different, the premise behind allowing a facility to establish based on its proximity to sensitive land uses applies in both urban and rural settings.

Draft Official Plan and Zoning By-law amendments are included in the appendices to this report which reflect the sensitive land use areas of influence. It is the recommendation of this report for the City to approve the Official Plan and Zoning By-law Amendments in Appendix J in order to effectively protect land use adjacent to private waste facilities, yet still permit these facilities to locate and expand within the City of Hamilton. Other recommendations from this report include:

- Hold regular discussions with the MOE, Hamilton District in order to foster a more conducive working relationship.
- Maintain a complete inventory of private waste facilities.
- Continue the Interim Control By-law until the Official Plan and By-law amendments are enacted.
- The City should hold periodic discussions with the private sector.
- City Staff should address public waste facilities.
1.0 BACKGROUND

The City of Hamilton (“the City”) is currently in the process of updating their Official Plans and Zoning By-laws. Aspects that will be addressed in this document include the location and management of private waste disposal sites within the City’s municipal boundaries. The City has retained the services of Jacques Whitford to provide recommendations on the preferred approach to manage and address new applications for private waste management facilities in the City.

Within Ontario, the establishment of any private waste management facility requires, at a minimum, the issuance of a Certificate of Approval (C of A) under the Environmental Protection Act, unless exempt. To obtain a Certificate of Approval, an application must be made to the Ontario Ministry of the Environment (MOE). The City is notified of the proposal by the MOE and given a period in which to comment on the proposed facility.

In the absence of municipal planning policy and regulation, the only opportunity for the City to provide input into the specifics of private waste disposal sites is by comments to the Province for its consideration during the circulation of C of A applications. This gives the City a limited amount of influence over the type and location of private waste facilities constructed within the City’s jurisdiction.

1.1 Purpose of the Study and Concerns Raised by the City

The purpose of the study is to undertake a planning review of issues and concerns associated with the establishment of private waste management sites in the City, to identify alternative strategies to address the issues, and to recommend a preferred strategy with direction on required Official Plan policies, zoning regulations, and other City approvals. Other municipal policies were considered in the development of this report.

Current Official Plan policies and zoning provisions for the City of Hamilton do not consider the range of recycling and waste management facilities that can and could potentially operate in the City. These policies and provisions are not, therefore, suitable for the effective evaluation of applications to establish private waste disposal facilities in the City.

The following concerns have been identified by the City of Hamilton:

- The City’s current Official Plan policies and Zoning regulations need to be updated to reflect private waste management sites;
- The C of A process by the MOE does not allow sufficient time for the City to submit comments;
- Concern with the enforcement and monitoring of C of As by the MOE;
- Potential cumulative effects on land uses adjacent to the sites;
- Citizens are concerned with nuisance effects, such as odour and truck traffic; and,
1.2 Study Work Program

A Study Work Program was created to provide an outline of the project’s key components and a description of how they would be completed. Details such as information to be collected during the literature review, the formulation of alternative approaches, consultation, the timeframe, and the final report format have been included in the Study Work Program. The program, presented to the Steering Committee at the beginning the project, is comprised of seven steps as follows:

1. Project Initiation and Work Program Development;
2. Data Collection;
3. Establishment of City Priorities and Preferences regarding Private Waste Management Sites;
4. Formulation and Evaluation of Alternative Approaches;
5. Public and Agency Consultation;
6. Report Preparation; and,

2.0 DATA COLLECTION

A literature review was conducted to gather information on waste management facilities, approaches for dealing with applications to develop private waste management facilities in Ontario municipalities, private waste management facilities currently located within the City, a review of land use patterns, designations, and policies in the City, and other applicable provincial and federal legislation.

3.0 FACILITIES CONSIDERED

The scope of this study is limited to private waste management facilities, including both hazardous and non-hazardous waste transfer and processing sites.

The materials under consideration in this study include all wastes as designated under the Province of Ontario Environmental Protection Act - R.R.O. 1990, Regulation 347 - General — Waste Management (Appendix K).
3.1 Waste Management Facilities Considered

For the purposes of this study, waste management facilities have been organized into five categories: waste processing; thermal treatment; waste transfer; waste disposal; and, hazardous waste.

The following provides a description of the types of facilities included in each of these categories. Pictures of each of the types of facilities can be found in Appendix B.

**Waste Processing**

Waste processing involves programs and facilities which involve collecting a used material and processing it back into a usable product. Materials can be processed back to their original form or into another form.

Examples of waste processing facilities are:

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material Recovery Facility/Processing of Blue Box Recyclables</td>
<td>Mixed recyclable waste is sorted at the facility and is sold as separate materials streams.</td>
</tr>
<tr>
<td>Open-Air Organics Processing Facility</td>
<td>Organic material is composted in an “open-air” facility (i.e., not within an enclosed structure). Typically process used for leaf &amp; yard waste and some Institutional, Commercial &amp; Industrial wastes.</td>
</tr>
<tr>
<td>In-Vessel Organics Processing Facility</td>
<td>Organic material is composted or digested in a closed facility with odour control technology. Typically this is the process used for source separated organics and some Institutional, Commercial &amp; Industrial wastes.</td>
</tr>
<tr>
<td>Wood Waste Recycling</td>
<td>Scrap wood waste can be recycled for various uses – typically involves large shredders/grinders.</td>
</tr>
<tr>
<td>Aggregate/Construction &amp; Demolition Recycling</td>
<td>Dry waste recovered from construction, demolition, or refurbishment projects (e.g. concrete, drywall, brick, block, etc).</td>
</tr>
<tr>
<td>Mixed Waste Processing</td>
<td>Recyclable materials are removed from the waste stream while the remaining organic material is composted or treated anaerobically. Mixed waste processing facilities are known as Mechanical – Biological Treatment (MBT) plants.</td>
</tr>
</tbody>
</table>

**Thermal Treatment**

Thermal treatment of waste is the disposal of waste under controlled conditions by heating or combusting the waste in an approved thermal processing facility.

The categories of thermal treatment technologies include:
Refuse-derived-Fuel Manufacturing Facility | Mixed waste is processed into a fuel product that can then be used in cement kilns, greenhouses, etc.

Thermal Treatment/Energy-from-Waste Facility | Waste treatment facilities that utilize waste to produce energy in the form of electricity and/or heat.

The treatment technology chosen will vary depending on the type of material it receives, and the degree of front-end processing that may be required (e.g. sorting/removal of unprocessed wastes, size reduction/uniformity, drying, etc.). The amount of material to be processed may also influence the processing technology selected as some are better suited to smaller batch type requirements or modular requirements.

**Waste Transfer**

Waste transfer operations provide for the transfer of materials from waste collection vehicles, smaller trucks and cars and transfer of the bulked waste loads into larger, more efficient vehicles for transport to a waste management facility. Essentially, a transfer system consists of a transfer station and transfer vehicles. A transfer station is usually located closer to the area of waste generation than the waste processing or disposal facility. As such, the implementation of a transfer station is only feasible where sources of waste generation are located long distances from the receiving facility (i.e., processing or disposal facility).

Transfer facilities include:

| Transfer Station | A centrally located facility for receiving small shipments of waste which is later transported to a disposal facility (usually within 24 hours). |
| Recyclables Transfer Station | A centrally located facility for receiving small shipments of recyclable materials which is later transported to a processing facility (usually within 24 hours). |
| Organics Transfer Station | A centrally located facility for receiving small shipments of organic materials which is later transported to a processing facility (usually within 24 hours). |

**Waste Disposal**

Waste disposal entails the placement of waste under controlled conditions on land by spreading the waste in thin layers, compacting the waste into a cell or trench and covering it with suitable cover material at regular intervals.

Waste disposal includes the following:

| Sanitary Landfill | Materials are placed in excavated “cells”, compacted and covered daily. Modern sanitary landfills will have leachate collection systems and gas capture systems. |
Institutional, Commercial & Industrial (IC&I) and Construction & Demolition (C&D) Sanitary Landfill

Sanitary landfill accepting waste from industrial, commercial and institutional sources and construction and demolition debris.

Hazardous Waste Facilities

Hazardous waste facilities process, transfer for processing and/or dispose of materials that can pose a substantial or potential hazard to either human health or to the environment when improperly managed. These materials possess poisonous, corrosive, radioactive, explosive, and/or flammable properties. Examples of hazardous waste include paint, batteries, pesticides, and household cleaners. Facilities where hazardous wastes may be managed include reprocessors and reclaimers, landfill sites, thermal treatment facilities, transfer stations, and processing facilities.

3.2 Potential Effects Associated with Waste Management Facilities

The following Table 1 provides an overview of the types of facilities being considered and the potential effects typically associated with these facilities.

<table>
<thead>
<tr>
<th>Table 1 Types of Waste Management Facilities and Associated Potential Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Facility</strong></td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Waste Processing</strong></td>
</tr>
<tr>
<td>Material Recycling Facility</td>
</tr>
<tr>
<td>Open-Air Organics Processing Facility</td>
</tr>
<tr>
<td>In-Vessel Organics Processing Facility</td>
</tr>
<tr>
<td>Wood Waste Recycling</td>
</tr>
<tr>
<td>Aggregate Recycling</td>
</tr>
<tr>
<td>Mixed Waste Processing</td>
</tr>
<tr>
<td>Refuse-derived-Fuel Manufacturing Facilities</td>
</tr>
<tr>
<td>Thermal Treatment/Energy-from-Waste Facility</td>
</tr>
<tr>
<td><strong>Waste Transfer</strong></td>
</tr>
<tr>
<td>Transfer Station</td>
</tr>
<tr>
<td>Recyclables Transfer Station</td>
</tr>
<tr>
<td>Organics Transfer Station</td>
</tr>
<tr>
<td>Transfer Station with Waste Sorting/Processing</td>
</tr>
<tr>
<td><strong>Waste Disposal</strong></td>
</tr>
<tr>
<td>Sanitary Landfill</td>
</tr>
<tr>
<td>Hazardous Waste Transfer and Processing Facilities</td>
</tr>
</tbody>
</table>
The following Table 2 provides a more detailed explanation of each of the potential effects.

<table>
<thead>
<tr>
<th>Potential Effect</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic/Access</td>
<td>An increase in traffic will accompany any type of waste facility. Heavy haul vehicles, waste collection vehicles, and other types of vehicles will be required to transport waste to and from a facility. Depending on the capacity of local roadways to handle such an increase, residents and businesses close to the site may experience delays and other nuisances such as noise and dust. A nuisance effect may also be created due to the volume of vehicles that could potentially enter and exit the facility on a daily basis.</td>
</tr>
<tr>
<td>Air Emissions</td>
<td>All facilities require vehicles to transport waste to and from the site, as well as the vehicles employed on site to facilitate the movement of the waste. Air emissions are also generated from the waste facility and depend upon the type of waste management system in place. For example, the primary emissions from a thermal treatment facility are acid gases, carbon dioxide, heavy metals, particulates, and dioxins/diobenzofurans, whereas emissions related to a mixed waste facility include some organic compounds and bio-aerosols.</td>
</tr>
<tr>
<td>Dust</td>
<td>Dust has the potential to create a nuisance to nearby residents. Dust near the waste facility can come from several sources including, but not limited to, vehicles, dry materials and when waste is loaded/unloaded.</td>
</tr>
<tr>
<td>Odour</td>
<td>Some waste facilities are more prone to odour issues than others. Anaerobic conditions during composting and materials that are not aerated properly or become too wet have the potential to create odours. Odours can also be produced from exhaust air from enclosed facilities and untreated ponds of leachate.</td>
</tr>
<tr>
<td>Flies, Vermin, Birds</td>
<td>For those waste management facilities that are not contained within enclosed buildings, flies, vermin, and birds can create nuisance effects. Birds may be attracted to wastes stored outdoors and can create a nuisance to local residents because of noise, visual effects, and bird droppings. Fly populations can rapidly increase in the summer months, however the source of the flies is commonly from earlier in the waste collection process (i.e., storage bins, waste transfer stations). Vermin can potentially inhabit areas where waste is left to sit for too long.</td>
</tr>
<tr>
<td>Noise</td>
<td>As some waste facilities require the operation of heavy equipment, there is a potential for an increase in noise near waste facilities. Large vehicles required to transport the waste may enter and exit the facility several times per day. Operations such as turning in open air windrow composting facilities, aeration fans, shredders, screens, conveyors, etc. also increase the noise levels at a waste facility.</td>
</tr>
<tr>
<td>Litter</td>
<td>Litter can potentially become a significant issue as light materials such as plastic and paper can easily spread to neighbouring properties. Litter is</td>
</tr>
</tbody>
</table>
most commonly an issue at outdoor facilities, but can become a nuisance at indoor facilities as well if the waste is transported in a vehicle that is insufficiently covered.

Water Resources

Water may become contaminated from waste through the production of leachate. As water percolates through the waste in a landfill, it picks up various contaminants, which can include metals, dissolved nitrogen and organic materials. If leachate breaches the barriers of the landfill, it can pollute nearby sources of water.

Visual Intrusion

Some waste facilities can be very prominent on the landscape, especially if located near sensitive land uses. Stack heights, size of buildings, and number of vehicles accessing the site can influence the amount of visual intrusion. In addition, the degree to which the landscape and vegetation conceals the facility can also affect the visibility of the facility.

Nature Conservation

Waste facilities have the potential to require large amounts of land that can be occupied and affected for many years. Depending on where the facility is sited, natural areas may be impacted. The facility may affect wildlife, vegetation, and water quality through disturbance and pollution.

Land Stability/Geology

Stability and geology refer to four main aspects: underlying geology, nearby earthquake faults, the water table, and the location of rivers, streams, and flood plains in relation to a landfill. Unstable geology and earthquake faults may affect the ability of the landfill to contain leachate and other contaminants. If there is a body of water located near the landfill, then there is an increased potential for an impact to water quality should any pollutants not be contained within the landfill.

Fire

The amount and type of stored material at a waste facility can be a fire hazard.

Vibration

Vibration can be created from large vehicle operation and the deposition of waste.

3.3 Current City of Hamilton Facilities and Application History

There are currently 16 private waste facilities operating in the City of Hamilton, including 13 transfer stations, one material recovery facility, one landfill, and one composting facility (Appendix C). The majority of the facilities are located in the industrial area along the Burlington Bay as illustrated in Figure 1 below.

On average, over the past 11 years, the City received four Certificates of Approval on which they were invited to provide comments. A list of C of A forwarded to the City for comment can be found in Appendix C. Not all Certificates of Approval are for new sites; often they are for increased capacity of an existing site/facility, to amend operating hours, and/or accept new streams of waste.
3.4 Current Applicable Policies and Legislation

The following provides an outline of current City of Hamilton applicable policies and legislation.

3.4.1 Solid Waste Management Master Plan

In 2001, the City released its Solid Waste Management Master Plan (SWMMP). The plan was developed over 16 months and involved a Solid Waste Management Advisory Committee consisting of 32 members (24 residents of Hamilton and eight Waste Management staff) and also a Steering Committee of four Councillors. The Committees ultimately established 19 recommendations. The SWMMP focuses on the City’s waste management practices, not the private sector. The recommendations were summarized as follows in a report to the Mayor and Members of the Committee of the Whole:

1. Take responsibility for our own wastes.
3. Aggressive 65% waste diversion target.
4. Expanded recycling (curbside and community recycling centres) and organics programs.
5. Review need for Energy-From-Waste facility based on ability to achieve diversion targets.
6. Collect waste in 3 streams (organics, recyclables and residuals).
7. Review user pay systems as a way to encourage waste diversion.
8. Adopt flexible and incremental enforcement systems.
9. Take action as soon as possible.
10. Ongoing public education and community outreach.
11. Consider community impacts for facility siting.
12. Seek partnerships with other municipalities for waste diversion facilities.
13. Continuous Improvement.
14. Lobby Provincial and Federal governments to support local waste management initiatives.
15. Carefully consider public-private partnerships.
16. Regularly monitor the effectiveness of programs.
18. Annual report card to report on progress.
19. Lead by Example.

3.4.2 VISION 2020

Vision 2020 was established by the City in 1992 and includes goals and objectives to allow Hamilton to become a strong, healthy and sustainable city. The objectives that relate to this study include the following:

- “To improve the ability of local businesses and organizations to compete both locally and globally and thus provide all citizens with an opportunity to have an income to meet, as a minimum, the necessities of life.”
- “To increase the number of businesses and organizations that are non-polluting and those that actually produce quality of life products and services that control, reduce and prevent pollution.”
- “To promote The City of Hamilton's environment as a desirable place to live and work.”
“To ensure The City of Hamilton has healthy soil and water from which to produce food for our community.”

“To make the Lake Ontario and Hamilton Harbour waterfronts accessible, safe and attractive for recreation.”

“To ensure the water quality in streams, Cootes Paradise, Hamilton Harbour, Lake Ontario and other surface bodies is generally good, that the water is clean and clear and that swimming is a safe activity.”

“To identify and virtually eliminate sources of potential chemical contamination.”

“To ensure the quality of groundwater throughout the City is suitable for drinking and is a source of pure recharge for surface waters.”

“To ensure that water quality is not affected by run-off and sedimentation due to changes in the landscape.”

“To reduce the amount of waste generated by residents, businesses and government in the City.”

“To virtually eliminate hazardous waste in the City of Hamilton.”

“To safely and responsibly manage waste.”

“To ensure the City has the best air quality of any major urban area in Ontario.”

“To reduce greenhouse gas emissions 20% from 1990 levels.”

The preferred alternative will strive to meet these objectives and thereby contribute to achieving the City’s Vision.

3.4.3 Clean Air Hamilton

The Clean Air Hamilton organization is a multi-stakeholder group created in 1998 with a purpose of improving Hamilton’s air quality. They strive to improve air quality by:

- Initiating research on air quality;
- Providing policy advice to all levels of government;
- Encouraging emission reductions amongst companies operating in Hamilton; and,
- Promoting behavioural changes amongst individuals living and working in Hamilton.”

As air emissions have been identified as a potential nuisance effect, Clean Air Hamilton may have a role to play in encouraging emission reductions.

3.4.4 Applicable City of Hamilton Official Plan Policies and Zoning By-law Provisions

In January 2001, six municipalities including Hamilton, Ancaster, Dundas, Flamborough, Glanbrook and Stoney Creek, amalgamated to form the new City of Hamilton. As each former municipality had its own official plan, the City currently utilizes the six official plans and the applicable components of the former Regional Plan. The City of Hamilton is currently undertaking an Official Plan Review which will result in one Plan for the amalgamated City. The City’s new Official Plan will be separated into two portions, one dealing with the rural area and one pertaining to the urban area. The City’s proposed Rural Official Plan is currently pending.
Ministerial approval. The urban area portion of the Official Plan is expected to be adopted by Council in June of 2009.

3.4.4.1 Former Hamilton-Wentworth Regional Official Plan

The Plan for the former Hamilton Wentworth Region contains the following policies for waste management:

“The waste produced in the Region is disposed of by means of landfill, incineration and recovery or recycling. The efficiency, ecological sensitivity and long-term sustainability of the two main methods of management (landfill and incineration) are questionable. Reduction, reuse and recycling of materials must be a high priority. Focusing public and private energy and resources towards these areas will reduce the amount of waste and will be more sustainable and environmentally beneficial. Waste disposal must be managed with an emphasis on minimizing environmental impacts. The burden of cost for the management of waste should be placed on those responsible for the generation of waste, by means of a user pay system.

To reduce waste and minimize environmental impacts of disposal, the Region will:

Prepare a Comprehensive Municipal Pollution Prevention Management Plan within two years of the approval of this Plan, which incorporates waste reduction strategies such as reduction, reuse and recycling.

Maintain a landfill site that is efficiently designed and operated to protect the environment and public health.

Require an amendment to this Plan for the establishment and operation of any new landfill facility in Hamilton-Wentworth. In evaluating such an amendment, consideration will be given to applicable provisions of this Plan and Area Municipal Official Plan and among other matters, to social, public health, environmental, transportation and financial impacts, as well as issues related to need and provision of Regional services. This policy will not apply to the disposal of waste on the same property where it is generated, subject to pertinent Provincial legislative requirements.

Establish disposal and transfer facilities to efficiently serve the citizens of the Region in the most economically and environmentally acceptable means possible.

Co-ordinate, in co-operation with the Area Municipalities, the collection and haulage of solid waste to Regional transfer/disposal facilities.

Establish procedures and programs that encourage waste reduction, reuse and recycling options, and promote the development of these options by the private and public sectors.

Continue with a comprehensive public education campaign to enhance the public’s understanding of waste and waste reduction.

Promote and cooperate with private sector programs to recycle solid waste.
Investigate alternatives to incineration as a method of waste management with the long term goal of eliminating incineration.”

3.4.4.2 Proposed Rural Official Plan

The following is an excerpt from the City’s Rural Official Plan (currently awaiting approval from the Minister of Municipal Affairs and Housing):

“The City is responsible for the residential waste generated within its boundaries. Waste is managed through a variety of methods including landfill sites, composting, household organics and recycling. New methods of waste disposal will be pursued that will increase the amount of waste diverted from landfill.

The City shall maintain a landfill site that is efficiently designed and operated to protect human health.

New methods of waste disposal such as Energy from Waste shall be explored by the City to optimize the capacity of the Glanbrook landfill.

The City shall cooperate with neighbouring municipalities to explore opportunities, implement partnerships and, where feasible, share waste management facilities.

The Solid Waste Management Master Plan recommendations shall be implemented through the Official Plan and Zoning By-law, where appropriate.

The location and construction of new solid waste management facilities and the expansion, extension and operations of existing facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities on Schedule D - Rural Land Use Designations shall meet the policies of Section C.2, Natural Heritage System and Section C.3.4, Utilities.

The City shall monitor the leachate seepage and methane gas conditions of all sanitary landfill sites managed by the City, and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill site.”

3.4.4.3 Town of Dundas Official Plan

The Dundas Official Plan states the following regarding solid waste disposal:

“It is intended that the Town co-operate with the Region to ensure effective SOLID WASTE DISPOSAL and that all uses are served by a regularly scheduled disposal services.

In accordance with the intent of the Regional Official Plan, the Town will co-operate with the Region in co-ordinating the collection and haulage of solid waste to Regional disposal facilities.
All uses in Dundas will be served by a regularly scheduled solid waste collection service, or in the case of some uses, through individually contracted collection service which by volume and/or character, are not normally collected by the municipal disposal services.

The Town will encourage the Region to operate and maintain the Olympic Drive Transfer Station in Dundas in a manner which will not lead to environmental deterioration, nor be disruptive to adjacent areas.

The Town will request the Region to pursue a program for resource recovery and the recycling of solid waste materials.”

3.4.4.4 City of Stoney Creek Official Plan

The policies regarding waste management in the Stoney Creek Official Plan are:

To ensure effective Solid Waste Disposal Service for all land use.

In accordance with the intent of the Regional Official Plan, Council shall co-operate with the Region to provide a co-ordinated System for the collection and haulage of SOLID WASTE to Regional DISPOSAL facilities.

Subject to a demonstrated need, Council shall encourage the Region to establish a transfer facility within the Industrially designated area well removed from Residential Uses, to efficiently serve the City in the most economical and environmentally acceptable means available.

In accordance with the intent of the Regional Official Plan, Council shall encourage, and co-operate with, the Region in developing a program for resource recovery and recycling of SOLID WASTE materials.

Council shall encourage the Region to continue to monitor the leachate seepage and methane gas conditions of the sanitary landfill sites on Sixth Road East and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects, that may be associated with the sanitary landfill site.

All areas in the City shall be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or, in the case of certain uses, through individually-contracted collection service.

The final DISPOSAL of SOLID WASTE within the City will be prohibited except at approved DISPOSAL facilities to protect the environment and the public health.

Council may pass By-laws to require and control the location of WASTE storage areas and containers in Industrial and Commercial areas and to regulate the temporary storage of WASTE material on street boulevards.

The establishment of a new sanitary landfill site within the City of Stoney Creek will require an amendment to this Plan.
3.4.4.5 **Town of Flamborough Official Plan**

The Official Plan for the Town of Flamborough states:

*Flamborough shall be served by a regularly scheduled solid waste collection service through Municipally or individually contacted collection operations.*

*The Town shall co-operate with the Region in co-ordinating the collection, and haulage of solid waste.*

*Council may enact By-laws to require, and control the location of waste storage areas and containers in industrial and commercial areas to regulate the temporary storage of waste material.*

*The final disposal of solid waste within the Town shall be prohibited except at approved disposal facilities to protect the environment and public health.*

*Council shall co-operate with the Region and the Ministry of the Environment to minimize the environmental impacts associated with former sanitary landfill sites in the Town. Where studies indicate the presence of organic or chemical wastes, Council shall prohibit residential or related development on, or abutting former sanitary landfill sites. In such instances, open space uses shall be encouraged.*

3.4.4.6 **City of Hamilton Official Plan**

Solid Waste Disposal policies in the Hamilton Official Plan are as follows:

*In is intended that the City co-operate with the Region to ensure effective SOLID WASTE DISPOSAL service for all land uses. Accordingly, it is intended that all land uses be served by a regularly-scheduled DISPOSAL service.*

*In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to provide a co-ordinated System for the collection and haulage of SOLID Waste to Regional DISPOSAL facilities.*

*Council will encourage the Region to establish transfer facilities within Industrially designated areas well removed from Residential Uses, and other WASTE DISPOSAL services, to efficiently serve the City in the most economical and environmentally-acceptable means available.*

*In accordance with the intent of the Regional Official Plan, Council will encourage, and co-operate with, the Region in developing a program for resource recovery and recycling of SOLID WASTE materials.*

*Council will co-operate with the Region to monitor the leachate seepage and methane gas conditions of all sanitary landfill sites in the City and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill sites.*
All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or, in the case of certain uses, through individually-contracted collection service.

Council will not permit the final DISPOSAL of SOLID WASTE within the City except at approved DISPOSAL facilities to protect the environment and the public health.

Council will encourage the Region to co-operate with senior levels of government to develop programs which may reduce the quantities of SOLID WASTE generated within the City.

Council will encourage the Region to utilize innovative SOLID WASTE DISPOSAL Systems (e.g., SWARU) that recover and recycle SOLID WASTE.

Council may pass By-laws to require and control the location of WASTE storage areas and containers in Industrial and Commercial areas and to regulate the temporary storage of WASTE material on street boulevards.

3.4.4.7 Township of Glanbrook Official Plan

The Glenbrook Official Plan lists waste policies under Public Industrial as:

The lands designated Public Industrial on Schedule “A” – Land Use Plan identify the Waste Disposal Facility and Landfill Site for the Region of Hamilton-Wentworth. The lands designated Public Industrial shall permit the Region and its contractor to use the subject lands for a waste disposal facility and landfill operation, and the erection and use of any accessory building or structure.

The establishment, use and operation of the Regional Waste Disposal Facility and Landfill Site shall be in accordance with the Ministry of the Environment’s Certificate of Approval, and in accordance with appropriate By-laws and Agreement(s) related to this facility and the subject lands.

Environmental effects which may be generated by an operating landfill site include:
- Gas
- Leachate
- Odour
- Litter
- Truck traffic
- Visual impact
- Dust
- Noise
- Air emissions from machinery and trucks
- Vectors and vermin
- Fire

Environmental effects which may be generated by a closed landfill site include:
- Gas
- Leachate
- Ground settlement
- Visual impact
Although the Region and the Ministry of the Environment have taken precautions to avoid any adverse environmental effects from this Regional Waste Disposal Facility and Landfill Site, it is the opinion of Council that it is not possible to determine the total long term environmental effects emanating from this waste disposal facility and landfill site. However, it is the policy of Council that the Township, the Region and the Ministry of the Environment shall continue on an ongoing basis to appropriately study and analyze the use and operation of this Regional Waste Disposal Facility and Landfill Site to ensure, as best possible, that there are no adverse environmental effects emanating from this disposal facility and landfill site.

As a result of the potential adverse environmental effects which may be generated by the Regional Waste Disposal Facility and Landfill Site, Council shall discourage development in proximity to this waste disposal facility and landfill site. However, where a person is desirous of undertaking development in proximity to this waste disposal facility and landfill site, it is the intent of Council that the Township shall not be responsible or liable for any adverse effects emanating from this waste disposal facility and landfill site or development in proximity to this waste disposal facility and landfill site.

Where development is proposed within 500 metres of the Regional Waste Disposal Facility and Landfill Site or any former Landfill sites, the Region and the Ministry of the Environment shall be consulted regarding any actions necessary to identify and mitigate any potential environmental concerns.

In order to facilitate a recommendation by the Ministry of Environment to the approving authority, evidence, where appropriate, shall be provided by the proponent to the Township, the Region and the Ministry of Environment that such development, including the construction of buildings, structures, and underground utilities and services, as well as hard surface paving, can safely take place.

Upon the completion of the waste disposal and landfilling operation and the closure of the Regional Water Disposal Facility and Landfill Site to the satisfaction of the Ministry of the Environment and the Township of Glanbrook, the proponent of any subsequent use of the lands, including the landfilled areas and the land set aside for gas and leachate control, shall obtain approval under Section 45 of the Environmental Protection Act. Any amendment to this Official Plan relating to the future use of these lands shall follow and be subject to this approval under the Environmental Protection Act, shall maintain clear identification of the lands as being a former waste disposal facility and landfill site and shall recognize the policies in Sections B.1.7.4 and B.1.7.5 of this Plan.

This Regional Waste Disposal Facility and Landfill Site shall not be permitted to expand beyond its present boundaries, as shown by the area covered by the Public Industrial designation on Schedule “A” – Land Use Plan.
3.4.4.8 Town of Ancaster Official Plan

Regarding waste, the Ancaster Official Plan states:

Sites for the burying, storage, compacting, treatment or transfer of solid or liquid waste shall not be permitted unless by amendment to this plan.

The establishment of new servicing uses, such as sites described in Policy 3.3.9 above, gas regulator stations and other similar uses, or the expansion of existing service uses, with the exception of Ontario Hydro uses, shall be subject to the signing of Site Plan Agreements between the Town and Agency concerned.

3.4.4.9 Zoning By-Laws

Each of the municipalities has a Zoning By-law which stipulates how an area of land may be used. Excerpts pertaining to waste from each of the Zoning By-laws are listed in Appendix D.

3.4.4.10 Interim Control By-Law

An Interim Control By-law (08-104) was passed for all private waste disposal sites on April 23, 2008 and on May 14, 2008 Council passed amending By-law No. 08-117. The By-law, as amended, prohibits private waste facilities from locating in Hamilton’s Industrial zones, except in those zones identified in the By-law, for which no application for a C of A had been submitted to the MOE. Processing of concrete from a site for construction on the same site is exempt. The By-law, as amended, is in effect for one year from the date of passing. See Appendix E for the Interim Control By-law and its amendment.

3.4.5 Applicable Federal, Provincial, and Municipal Waste Management Facility Legislation

There are a number of different pieces of legislation that provide direction to the establishment and operation of waste management facilities. Table 3 provides a summary of this relevant legislation. Please note, the summary provided relates only to waste management and does not summarize the entire piece of legislation.

Table 3 Federal, Provincial, and Municipal Legislation

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Purpose</th>
<th>Relevance to Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canadian Environmental Assessment Act</td>
<td>This Act sets out requirements for projects that are subject to a federal environmental assessment. If a federal authority does any of the following, then this Act would apply: 1. Is the proponent of the project; 2. Provides any form of financial assistance; 3. Sells, leases or otherwise disposes of federal lands; or, 4. Issues a permit or license under a statute or regulation that is listed in</td>
<td>Any new private waste facilities wishing to locate in Hamilton would need to adhere to the Canadian Environmental Assessment Act if any of the identified four provisions were triggered.</td>
</tr>
<tr>
<td>Legislation</td>
<td>Purpose</td>
<td>Relevance to Hamilton</td>
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</tbody>
</table>
| **Canadian Environmental Protection Act**                | The purpose of the Canadian Environmental Protection Act is to prevent pollution and protect the environment and human health. The Act aims to guide development in a sustainable manner and to reduce and manage toxic substances responsibly. | Waste management in Hamilton could be affected by this Act in terms of:  
  - Trans-border shipment of hazardous and prescribed non-hazardous waste;  
  - Pollution prevention; and,  
  - Management of toxic substances. |
<p>| Nuclear Safety and Control Act                          | This Act governs the disposal and abandonment of nuclear substances.   | Any private waste facility specializing in the disposal of nuclear substances would need to adhere to this Act. |
| <strong>Government of Ontario - Provincial</strong>                   |                                                                        |                                                                                        |
| Ontario Environmental Assessment Act (EAA)               | Municipal waste disposal and designated private operations are governed by this legislation. | Any private waste facility that is designated under this Act would be required to complete an environmental assessment. |
| Ontario Environmental Protection Act (EPA)              | The Environmental Protection Act includes requirements for waste disposal sites. Specifically Regulation 347 lists these requirements. See Section 3.4.5.1 of this report for more details on Certificates of Approval which are required under the Ontario Environmental Protection Act. | Private waste facilities are subject to this Act and would be required to have C of As. |
| Ontario Municipal Act                                    | The Municipal Act designates the municipality responsible for waste management. | This Act allows the City to pass by-laws related to waste management. |
| Ontario Planning Act                                     | The Planning Act provides for the provision and efficient use of waste management systems, the minimization of waste, conservation of natural areas, and community health and safety. | The City must adhere to the Planning Act when completing Official Plan amendments. |
| Ontario Farming And Food Production Protection Act       | This Act regulates activities that occur as part of agricultural operations. Storing, handing and use of organic wastes for agricultural purposes are considered in this Act. | This Act would apply to any agricultural waste facilities that may be located within Hamilton. |
| Ontario Waste                                           | The Waste Diversion Act “promotes”                                      | Waste Diversion Ontario,                                                                 |</p>
<table>
<thead>
<tr>
<th>Legislation</th>
<th>Purpose</th>
<th>Relevance to Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion Act</td>
<td>the reduction, reuse and recycling of waste and to provide for the development, implementation and operation of waste diversion programs”</td>
<td>created under the Waste Diversion Act, develops, implements and operates waste diversion programs.</td>
</tr>
<tr>
<td>Ontario Health Protection and Promotion Act</td>
<td>This Act provides for the organization of public health programs and services, the prevention of the spread of disease and the promotion and protection of the health of the people of Ontario.</td>
<td>Can be used to prohibit land use if the use is considered to be a health hazard or noxious.</td>
</tr>
<tr>
<td>Niagara Escarpment Planning and Development Act (NEPDA)</td>
<td>Providing the framework for the Niagara Escarpment Plan, the NEPDA regulates development permit requirements and explanations. The Plan lists specific requirements for landfill sites on the escarpment.</td>
<td>Since a portion of Hamilton is located on the escarpment, the NEPDA would need to be considered for any waste facilities within the escarpment.</td>
</tr>
<tr>
<td>Provincial Policy Statement</td>
<td>The Provincial Policy Statement identifies specific requirements for waste management facilities. These include: “Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Waste management systems shall be located and designed in accordance with provincial legislation and standards.”</td>
<td>The City must be consistent with the requirements for waste facilities in the Provincial Policy Statement when drafting Official Plan amendments.</td>
</tr>
<tr>
<td>Greenbelt Plan, 2005</td>
<td>The Greenbelt Plan provides protection for an identified area and limits the amount and type of infrastructure that can be placed within the Greenbelt.</td>
<td>As Hamilton is located within the Greenbelt, new infrastructure, including private waste facilities, can only be located in designated areas.</td>
</tr>
<tr>
<td>Places to Grow</td>
<td>The Places to Grow Plan provides a vision for the growth of the Greater Golden Horseshoe area until 2031. It was prepared under the Places to Grow Act, 2005. The Places to Grow document advocates for integrated waste management planning.</td>
<td>Hamilton’s Official Plan policies must conform to the waste management policies outlined in Places to Grow.</td>
</tr>
</tbody>
</table>

City of Hamilton – Municipal (Also see section 3.4.4.)

<p>| Former Hamilton-Wentworth Regional Official Plan | The Official Plan is silent on the issue of private waste facilities. | The Official Plan does not provide guidance as to how the City can manage private waste facilities. |
| Rural Official Plan                               | The Official Plan is silent on the issue | The Official Plan does not |</p>
<table>
<thead>
<tr>
<th>Legislation</th>
<th>Purpose</th>
<th>Relevance to Hamilton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Dundas Official Plan</td>
<td>The Official Plan is silent on the issue of private waste facilities.</td>
<td>The Official Plan does not provide guidance as to how the City can manage private waste facilities.</td>
</tr>
<tr>
<td>Town of Dundas Zoning By-law</td>
<td>The Zoning-By-law deals with public waste facilities and does not address private facilities except to exclude waste materials as a wholesale industry.</td>
<td>There are no zoning by-laws in place to address private waste facilities.</td>
</tr>
<tr>
<td>City of Stoney Creek Official Plan</td>
<td>The Official Plan does not specifically consider all types of private waste disposal facilities.</td>
<td>The Official Plan does not provide guidance as to how the City can manage all types of private waste facilities.</td>
</tr>
<tr>
<td>City of Stoney Creek Zoning By-law</td>
<td>Stoney Creek permits some types of waste facilities in certain zones.</td>
<td>The Zoning By-law does not address all types of private waste facilities.</td>
</tr>
<tr>
<td>Town of Flamborough Official Plan</td>
<td>The Official Plan does not specifically consider all types of private waste disposal facilities.</td>
<td>The Official Plan does not provide guidance as to how the City can manage all types of private waste facilities.</td>
</tr>
<tr>
<td>Town of Flamborough Zoning By-law</td>
<td>Flamborough has prohibited waste disposal sites in all zones except where approved under the EAA and EPA.</td>
<td>Private waste facilities are required to complete the necessary studies and reports under the EAA and EPA to locate in Flamborough. Control has been left to the Province.</td>
</tr>
<tr>
<td>City of Hamilton Official Plan</td>
<td>The Official Plan is silent on the issue of private waste facilities.</td>
<td>The Official Plan does not provide guidance as to how the City can manage private waste facilities.</td>
</tr>
<tr>
<td>Hamilton Zoning By-law</td>
<td>The current Zoning By-law is silent on the issue of private waste facilities.</td>
<td>The former City’s current Zoning By-law also does not specifically define private waste facilities. If a material can be manufactured, then it is considered recyclable and permitted on that basis in Zones J and K.</td>
</tr>
<tr>
<td>Township of Glanbrook Official Plan</td>
<td>The Official Plan is silent on the issue of private waste facilities.</td>
<td>The Official Plan does not provide guidance as to how the City can manage private waste facilities.</td>
</tr>
<tr>
<td>Township of Glanbrook Zoning By-law</td>
<td>The Zoning By-law only addresses public facilities.</td>
<td>There are no zoning by-laws in place to address private waste facilities.</td>
</tr>
<tr>
<td>Town of Ancaster</td>
<td>The Official Plan prohibits all types of waste facilities.</td>
<td>The Official Plan does not</td>
</tr>
</tbody>
</table>
3.4.5.1 Certificates of Approval

In Ontario, the establishment of any private waste management facility requires the issuance of several Certificates of Approval (C of As) (e.g., waste, air/noise) under the *Environmental Protection Act* (EPA) and, depending upon site-specific servicing conditions, a C of A wastewater under the *Ontario Water Resources Act* (OWRA). To obtain a C of A, application must be made to the Ontario Ministry of the Environment (MOE) and the application must be supported by information and studies demonstrating that the facility will not cause an adverse affect on the environment. Where there is the potential for adverse affect, appropriate design/operation measures, monitoring programs, and contingency plans must be included in the supporting documentation. Public and agency consultation associated with an application for a C of A is generally stipulated by the Province’s Environmental Bill of Rights. For proposals with potential effects considered to be “typical” and “manageable”, the scope of consultation is generally limited to notification of potentially affected parties, the provision of a commenting period, and in some cases, a consultation event. There is no specified circulation distance for the notification of stakeholders. The City of Hamilton would typically be provided these opportunities for comment for most private waste management facility proposals within the City’s boundaries.

Depending on the complexity and magnitude of the proposed waste management facility, the issuance of a C of A may require more intensive studies and consultation to address the requirements of the Province’s *Environmental Assessment Act*. If a Provincial Environmental Assessment (EA) is required for a proposed private sector facility then the proponent must undertake a planning process and consultation program that explains why the facility is being proposed and that demonstrates the suitability of the proposal in terms of the potential to effect a broader (social, environmental, and economic) environment. Where an EA is required, the City of Hamilton would typically be engaged in the consultation undertaken by the proponent throughout the planning process. EA approvals typically require that all issues identified from consultation be addressed in a reasonable manner.

### Policy Approaches in Other Jurisdictions

As part of this study, a review of official plans for other municipalities in the Greater Golden Horseshoe Area was conducted. The Golden Horseshoe Area stretches from Niagara Falls to east of the City of Oshawa and north from the Lake Ontario shoreline to Brantford, Kitchener-
Waterloo, Barrie, and Peterborough. This area was selected as many of the municipalities share similar characteristics with Hamilton.

The official plans and Zoning By-laws for the following municipalities were reviewed:

- Newmarket
- Oakville
- St. Catharines
- Cambridge
- Waterloo
- Niagara Falls
- Regional Municipality of Durham
- Wellington County
- Brantford
- Guelph
- Kitchener
- Milton
- Toronto
- Barrie
- Municipality of Clarington

As these municipalities, except for Clarington, Wellington County, Region of Durham, and Milton, do not specifically address private waste management facilities in their Official Plan or Zoning By-laws, the search was extended outside of the Greater Golden Horseshoe Area to include:

- The District of Muskoka
- City of Ottawa
- West Nipissing
- County of Oxford

The above municipalities’/regions’ Official Plans contain specific policies dealing with private waste management facilities. There is a range of approaches taken towards regulating private waste facilities. Some municipalities/regions have very general policies requiring all facilities to seek an Official Plan amendment or have specific area requirements for which an amendment is required. Others have a list of specific requirements that an individual requesting an Official Plan Amendment for a waste facility must meet. Several require a facility to be located within a specific zone. A summary of these policies is provided in Appendix F to this report.
4.0 CITY PRIORITIES AND PREFERENCES REGARDING PRIVATE WASTE MANAGEMENT SITES

Facilitated by Jacques Whitford, a workshop for Steering Committee members was held on April 14, 2008. The purpose of the workshop was to establish planning priorities and preferences regarding private waste management sites. Materials handed out during the workshop are provided in Appendix G to this report. Three main topics were discussed including: the definition of waste for the purposes of the study; types of waste management facilities; and the features of each type of facility that could affect planning policy and land use designations. Input from the Steering Committee was recorded and was considered in the completion of this report (see Appendix G to this report for the minutes of the Steering Committee). The main result of the workshop was the identification of the need for the City to complete Official Plan and Zoning By-law Amendments as there are currently no effective policies or regulations in place. There is also a need to have more input and a greater amount of time to provide input to the review of C of A applications. Based on this discussion, the MOE was approached regarding the possibility of working more closely with the City on future C of A approvals (See Section 6.2 for information regarding the meeting with the MOE).

5.0 ALTERNATIVE APPROACHES

The following alternative approaches to the City’s role in the development of private waste management facilities have been established based on our understanding of the range of facilities to be considered and associated potential issues, relevant legislation and the mechanisms for the City’s involvement in the process, together with precedents set in other jurisdictions.

- Alternative #1 - Status Quo - Maintain the current approach to responding to new applications for waste management facilities within the City.

- Alternative #2 - Status Quo with an Enhanced MOE Relationship – Establish mutual understanding with MOE regarding the timing for input by the City to the review of C of A applications since the City often needs to collect additional information about the applications, and for the MOE to notify the City with a request for comments about applications to amend a C of A. Alternative would be subject to MOE agreement to engage in discussions and the ability of the City and MOE to accept terms considered mutually beneficial. Possible considerations could include implementation by way of Memorandum of Understanding or a conditional agreement by MOE to withhold issuance of C of A and amendments until City comments are received (or City planning approvals are set in principle), and/or to increase the posting time on the EBR from 30 to 60 days.

- Alternative #3 - Manage development through Official Plan and Zoning By-law Control Mechanisms - Establish new policies and provisions specific to a broad range of waste management facilities. An enhanced relationship with the MOE could also be considered under this alternative. Under this alternative, there are three hierarchies of control, all of which would still require Site Plan Approval:
Manage development through Official Plan and Zoning By-law Control Mechanisms

<table>
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<tr>
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<th>A</th>
<th>B</th>
<th>C</th>
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<tbody>
<tr>
<td></td>
<td>Allow Facilities to Locate in Areas that are Pre-Zoned for that Type of Private Waste Facility. Site Plan Approval is required.</td>
<td>Re-Zoning and Site Plan Approval.</td>
<td>Facilities require OP Amendment, Re-Zoning and Site Plan Approval.</td>
</tr>
</tbody>
</table>

- Each type of private waste facility would be placed under the appropriate control mechanism depending on the severity of the impacts associated with it as identified in earlier in Table 1.

Each of the above alternatives offer a range of “control” afforded to the City, however, they also require a range of levels of effort on the part of the City to respond to new applications.

5.1 Evaluation of Alternative Approaches

To select a preferred alternative from those presented, a consideration of the relative advantages and disadvantages was completed (Table 4). Based on discussions during the Steering Committee Workshop (see Section 4.0) a list of issues and concerns was generated. The advantages and disadvantages are based on the ability of the alternative to address the issues and concerns from both the perspective of the City and the private waste facility operators. These issues and concerns include:

1. The City’s current Official Plan policies and Zoning Regulations need to be updated to reflect private waste management sites;
2. The MOE C of A process does not allow sufficient time for the City to review and provide comments;
3. Concern with the enforcement and monitoring of C of As by the MOE;
4. Potential cumulative impacts on adjacent land uses to the sites;
5. Concern with nuisance effects, such as odour and truck traffic; and,
6. Economic considerations with respect to waste management activities.
<table>
<thead>
<tr>
<th>Alternative</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
</table>
| Status Quo  | - Increase in assessment base.  
             - Would not change current level of effort to private sector to continue to establish private waste management facilities in the City. | - No comprehensive policies or regulations by which private waste disposal facilities can be evaluated/regulated.  
- Input on proposed facility development and operation is limited to C of A applications circulated by MOE where C of A's are required.  
- Where no C of A is required, City's input is limited to any applicable development controls that might already be in place.  
- Limited to no governance of facility location with particular regard to surrounding land uses and cumulative effects.  
- OP policies and zoning provisions that define waste management facilities are too general for today's mix of facility types.  
- Ability to comment governed by staff's technical capabilities, workload and ability to meet MOE timelines. |
| Status Quo with enhanced MOE relationship. | - Enhanced MOE relationship could assist in extending timeframe for City to develop and submit detailed comments.  
- Would not change current level of effort to private sector to continue to establish private waste management facilities in the City. | - No comprehensive policies or regulations by which private waste disposal facilities can be evaluated/regulated.  
- Input on proposed facility development and operation is limited to C of A applications circulated by MOE where C of A's are required.  
- Where no C of A is required, City's input is limited to any applicable development controls that might be in place.  
- Limited to no governance of facility location with particular regard to surrounding land uses and cumulative effects. |
### Alternative Control Mechanisms

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
</table>
| Manage development through Official Plan and Zoning By-law Control Mechanisms | • New policies/regulations developed with provisions specific to a broad range of waste management facilities.  
• Allows the City to manage their responsibilities that are not addressed by provincial and federal regulations, without overlapping those regulations.  
• Allows the City to apply more stringent controls to those private waste facilities with the greatest number of impacts. | • OP policies and zoning provisions that define waste management facilities are too general for today’s mix of facility types.  
• Will create more stringent guidelines for private waste facility operators to locate in Hamilton.  
• May limit private sector’s ability to manage waste in closer proximity to location of waste generation. |

### Issue #2: The MOE C of A process does not allow sufficient time for the City to review and provide comments.

| Status Quo.                                      | No identifiable advantages to Status Quo alternative.  
• Private sector would continue to locate in Hamilton to manage IC&I waste. | Ability to comment governed by staff’s technical capabilities, workload and ability to meet MOE timelines. |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Status Quo with enhanced MOE relationship.      | • Addresses the issue of missed MOE timelines for City comments.  
• Private sector would continue to locate in Hamilton to manage IC&I waste. | Input on proposed facility development and operation is limited to C of A applications circulated by MOE where C of As are required.  
• Where no C of A is required, City’s input is limited to any applicable development controls that might be in place. |
| Manage development through Official Plan and Zoning By-law Control Mechanisms | • OP policies and/or zoning provisions directly related to the development of private facilities would establish a direct role for the City in the overall approvals/permitting process since the MOE would not issue a C of A out of compliance with a municipal planning instrument.  
• The proposed hierarchy of control mechanisms would provide more provisions by which the City would have to control the location of private waste facilities. Thus, this would reduce the ability to comment governed by staff’s technical capabilities, workload and ability to meet MOE timelines. | |
<table>
<thead>
<tr>
<th>Alternative</th>
<th>Advantages</th>
<th>Disadvantages</th>
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<tbody>
<tr>
<td></td>
<td>need to rely on the C of A process to control private waste facilities.</td>
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</tbody>
</table>

**Issue #3: Concern with the enforcement and monitoring of C of A by the MOE.**

<table>
<thead>
<tr>
<th>Status Quo.</th>
<th>No identifiable advantages to Status Quo alternative</th>
<th>City currently has limited ability to enforce and monitor waste management facilities to ensure compliance with C of A conditions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Status Quo with enhanced MOE relationship.</td>
<td>Agreement could include provision that enforcement and monitoring issues be identified by the City.</td>
<td>Would be subject to MOE agreement to engage in discussions and the ability of the City and MOE to accept terms considered mutually beneficial.</td>
</tr>
<tr>
<td>Manage development through Official Plan and Zoning By-law Control Mechanisms</td>
<td>More effective enforcement and monitoring could be accommodated through the City’s direct role in the approvals/permitting process via appropriate policies and/or provisions.</td>
<td>Does not completely address issue associated with enforcement and monitoring of C of A provisions by MOE.</td>
</tr>
</tbody>
</table>

**Issue #4: Potential cumulative effects on adjacent land uses to the sites.**

<table>
<thead>
<tr>
<th>Status Quo.</th>
<th>No identifiable advantages to Status Quo alternative</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Status Quo with enhanced MOE relationship.</td>
<td>Depending on the terms of the MOE agreement, the City may have the ability to submit more substantial comments thereby providing more information on adjacent land uses and the potential for cumulative effects to neighbouring land uses.</td>
<td>Ability to address this concern subject to terms of the MOE agreement.</td>
</tr>
<tr>
<td>Manage development through Official Plan and Zoning By-law Control Mechanisms</td>
<td>New policies and/or provisions developed with regard for a broad range of waste management facilities.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Addresses issues of local interest.</td>
<td></td>
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<td></td>
<td>Allows the City to manage their responsibilities that are not addressed by provincial and (if required) federal regulations, without overlap.</td>
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<tr>
<td></td>
<td>Specific separation distances from sensitive land uses for each type of private waste facility</td>
<td>Without limits or restrictions on supply, many facilities could potentially locate in a given area, increasing the cumulative effects on adjacent land uses.</td>
</tr>
<tr>
<td>Alternative</td>
<td>Advantages</td>
<td>Disadvantages</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Issue #5: Concern with nuisance effects, such as odour and truck traffic.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status Quo.</td>
<td>• No identifiable advantages to Status Quo alternative</td>
<td>• Does not address this concern.</td>
</tr>
<tr>
<td>Status Quo with enhanced MOE relationship.</td>
<td>• Agreement could include provision that enforcement and monitoring issues be identified by the City.</td>
<td>• Ability to address this concern subject to terms of the MOE agreement.</td>
</tr>
<tr>
<td>Manage development through Official Plan and Zoning By-law Control Mechanisms</td>
<td>• New policies and/or provisions developed with regard to a broad range of waste management facilities.</td>
<td>• Private waste facilities would be required to locate a specified distance from sensitive land uses. Additional studies would be required should the facility want to locate within that distance.</td>
</tr>
<tr>
<td></td>
<td>• Addresses issues of local interest.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Allows the City to manage their responsibilities that are not addressed by provincial and federal regulations, without overlapping those regulations.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Those facilities with the greatest number/most noxious effects are given more rigorous standards for where they are able to locate.</td>
<td></td>
</tr>
<tr>
<td>Issue #6: Economic considerations with respect to waste management activities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Status Quo.</td>
<td>• Potential increase in revenue as private waste facilities could more easily be established in Hamilton.</td>
<td></td>
</tr>
<tr>
<td>Status Quo with enhanced MOE relationship.</td>
<td>• Potential increase in revenue as private waste facilities could more easily be established in Hamilton.</td>
<td></td>
</tr>
<tr>
<td>Manage development through Official Plan and Zoning By-law Control Mechanisms</td>
<td>• The pre-zoning option may not discourage private waste facility operators from locating in the City.</td>
<td>• Supply of private sector waste management capacity in the City would be open to market conditions and ability of proponents to meet new policies and provisions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Will create more stringent requirements for</td>
</tr>
</tbody>
</table>
The following table summarizes the ability of the alternative to satisfy each criterion (Table 5).

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
</table>

- private waste facility operators to locate in Hamilton.
- Potential loss in City tax base as facilities may locate in other municipalities.
- Potential increase in cost to businesses for additional transportation of waste outside of Hamilton.
## Table 5 Summary Table of Alternatives

<table>
<thead>
<tr>
<th>Issues</th>
<th>Alternatives</th>
<th>Manage development through Official Plan and Zoning By-law Control Mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Status Quo.</td>
<td>Status Quo with enhanced MOE relationship.</td>
</tr>
<tr>
<td>Issue #1: The City’s current Official Plan policies/Zoning need to be updated to reflect private waste management sites.</td>
<td>✗  ✗  ✓  ✓  ✓  ✓</td>
<td>Allow Facilities to Locate in Areas that are Pre-Zoned for that Type of Private Waste Facility. Site Plan Approval is required.</td>
</tr>
<tr>
<td>Issue #2: The MOE C of A process does not allow sufficient time for the City to review and provide comments</td>
<td>✗  ✓  ✓  ✓  ✓  ✓</td>
<td>Re-Zoning and Site Plan Approval</td>
</tr>
<tr>
<td>Issue #3: Concern with the enforcement and monitoring of C of As by the MOE</td>
<td>✗  ✓  ✓  ✓  ✓  ✓</td>
<td>Facilities require OP Amendment, Re-Zoning and Site Plan Approval</td>
</tr>
<tr>
<td>Issue #4: Potential cumulative impacts on adjacent land uses to the sites</td>
<td>✗  ✗  ✓  ✓  ✓  ✓</td>
<td></td>
</tr>
<tr>
<td>Issue #5: Concern with nuisance effects, such as odour and truck traffic</td>
<td>✗  ✗  ✓  ✓  ✓  ✓</td>
<td></td>
</tr>
<tr>
<td>Issue #6: Economic considerations with respect to waste management activities.</td>
<td>✗  ✗  ✓  ✓  ✓  ✓</td>
<td></td>
</tr>
</tbody>
</table>

Note: Each type of facility to be evaluated for each option.
6.0 PUBLIC AND AGENCY CONSULTATION

6.1 Public Consultation

A public open house was held on June 26, 2008 from 1:00 to 4:00 p.m. at the Hamilton Convention Centre. In total, 13 people (five representing the public and seven representing waste management companies) attended the session. Information panels were displayed throughout the room and two City of Hamilton employees and two Jacques Whitford employees were available to answer questions.

In total, one comment sheet was returned. During the open house, verbal comments and questions received were focused on the following themes:

- Timelines of study – when is the study expected to be finished?
- MOE involvement – what do they do/not do; how will an enhanced relationship change the situation?
- Where are hazardous waste facilities located?
- If restrictions are placed on zoning and in the Official Plan, how will existing permitted facilities be impacted?
- Will there be any additional public consultation?

A copy of the materials presented and the returned comment sheet can be found in Appendix H to this report.

6.2 Consultation with Ministry of the Environment (MOE)

A meeting with the MOE Hamilton District Office was held on September 3, 2008 with representatives from the City and Jacques Whitford. The purpose of the meeting was for the City to explain their difficulties in providing comments within the timeline required by the MOE and to determine if there is an opportunity for extending the commenting period. The MOE District Office would like an amicable relationship with the City, however many of the suggestions made by the City (i.e., Standard Operating Procedure, extending the EBR posting period, having an opportunity to comment before the EBR notice is posted) do not fall under the mandate of the District Office; the Environmental Assessment and Approvals Branch (EAAB) has the authority to enter into discussions with the City on these sorts of initiatives. The Hamilton District Office offered to accompany the City to any meetings they have with the EAAB. The City will investigate the possibility of adding a requirement on City applications for the applicant to submit the same information to the City as they do to the MOE. See Appendix I for the meeting minutes.

A meeting with the EAAB will be scheduled.
7.0 PREFERRED ALTERNATIVE APPROACH

7.1 The Preferred Alternative

Based on the consideration of advantages and disadvantages associated with each alternative, the preferred approach to addressing the City’s issues/concerns with respect to new private waste management facility development is:

- Alternative #3 - Manage development through Official Plan and Zoning By-law Control Mechanisms - Establish new policies and provisions specific to a broad range of waste management facilities.

Consideration of Alternative #2, (i.e., an enhanced MOE relationship), should continue to be investigated as this type of arrangement could work in parallel to the preferred Alternative.

The Advantages of the preferred Alternative are as follows:

This alternative would allow the City to cooperate effectively with the MOE and provide thorough comments on each new C of A application, assuming an agreement on some sort of enhanced relationship can be reached. New policies and regulations enacted by the City would allow more control over the siting of private waste management facilities. In turn, greater control over siting would protect residential and other sensitive land uses from some of the nuisance effects potentially created by private waste management facilities. Management of cumulative effects on adjacent land uses would also be enhanced, as private waste management facilities would be located in areas that are designated/zoned for such purposes. Finally, based on their potential impacts, each facility has been categorized into the appropriate control mechanism so as to place more stringent controls on those facilities with the most noxious impacts, as shown in Table 6.

The Disadvantages of the preferred Alternative are as follows:

Some private waste facility operators may be deterred from locating in Hamilton because of more stringent policies and regulations, resulting in a potential loss of revenue for the City and job opportunities for residents. However, private waste facilities are not banned from the City; they will be required to locate in areas with complementary land-uses so they do not negatively impact other more sensitive surrounding land uses.

7.2 Implementation of Preferred Alternative and Policy Direction

There are several hierarchies by which private waste facilities can be managed through Official Plan and Zoning By-law Control Mechanisms.

A recommendation received, based on public and stakeholder input, was to further define the types of facilities and in particular the specific areas where siting of these facilities could be considered acceptable. As well, input from stakeholders towards moving forward with all three (3) scenarios under Alternative #3 was positive, subject to the provision of suitable justification regarding the scenario to which a particular application would be subjected.
To address input received from stakeholders, the preferred alternative was further explored in terms of the potential to apply specific separation distances from sensitive land uses to each of the types of facilities being considered. In essence, any development within a defined distance of a sensitive receptor would be permitted in predetermined areas, those proposing to develop closer to sensitive land uses would then be subject to an increasing degree of approvals required based on their proximity to the sensitive land uses. Some facilities, for example hazardous waste facilities, would require an Official Plan and Zoning By-law Amendment regardless of separation distances. Table 6 outlines the proposed separation distances between the various types of waste facilities and sensitive land uses. The separation distances are based on the MOE’s Guideline D-6 *Compatibility Between Industrial Facilities and Sensitive Land Uses*.

Guideline D-6 defines “sensitive land uses” as the following:

- recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or
- any building or associated amenity area (i.e., may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.

The MOE has classified facilities into three different categories based on the possible impacts a given facility may have on the surrounding environment:

**Class I Industrial Facilities:** “A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.”

**Class II Industrial Facility:** “A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.”

**Class III Industrial Facility:** “A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.”

Class I facilities, which would have the least impact, have a minimum separation distance of 20 metres while Class II and Class III facilities require minimum separation distances of 70 metres and 300 metres, respectively. In addition, Guideline D-6 provides distances within which effects from a facility could potentially have an impact. Areas of influence for Class I, II, and III facilities are 70 metres, 300 metres, and 1000 metres respectively. The areas of influence are provided as a guide to indicate when...
additional studies may be needed to prove noxious effects will not impact adjacent land uses. Given the MOE has established the areas of influence through case studies and past experience, these distances have also been applied for the purposes of this study. In Report PED08146, dated June 4, 2008 to the City’s Economic Development and Planning Committee, City staff recommended that the minimum separation distances be implemented for employment area zones rather than the areas of influence, given the historical nature in Hamilton of existing heavier industrial uses in proximity to sensitive land uses, given certain design objectives which would otherwise prohibit more noxious uses, the broad range of uses being addressed, and given some ability to address additional impacts at the Site Plan Control stage. This study applies the areas of influence which are greater than the minimum separation distances in order to provide greater protection from potential adverse impacts and in recognition that the subject use is more specifically defined and private waste disposal sites have generally never been regulated before in Hamilton.

According to the definition provided by the MOE, none of the private waste facilities identified in this report (Table 1) will be classified as Class I. Most facilities will be considered Class II, except for Waste Disposal and Hazardous Waste Facilities which will be classified as Class III. Based on the areas of influence in the MOE Guideline, the Class II facilities will be located at least 300 metres from sensitive land uses. Referring to Table 6, these Class II facilities are permitted within areas that are pre-zoned for that use, given the facility has site plan approval (A). Should a facility wish to locate in an area that is not pre-zoned for that use and is within 70 to 300 metres of a sensitive land use, then a Zoning By-law Amendment would be necessary, as well as site plan approval (B). A report would also be required indicating that the impacts identified in Table 1 would not affect adjacent land uses given the reduced distance from sensitive land uses. For Option C in Table 6, Class II facilities within 70 metres of a sensitive land use will not be considered unless new technology or other unforeseen circumstances arise which have been proven to mitigate any noxious affects arising from the facility; both an Official Plan Amendment and a Zoning By-law Amendment would be required with a report(s) addressing the necessary mitigation measures and how they are to be implemented. All Waste Disposal and Hazardous Waste Facilities will require further studies in addition to those required under the Ontario Environmental Assessment Act and other applicable Acts, as well as Official Plan and Zoning By-law amendments and site plan approval.
### Table 6 Summary of Proposed Official Plan and Zoning By-law Control Mechanisms

<table>
<thead>
<tr>
<th>Facility</th>
<th>Manage development through Official Plan and Zoning By-law Control Mechanisms</th>
</tr>
</thead>
</table>
| **Waste Processing** (e.g., Material Recovery Facility/Processing of Blue Box Recyclables)  Open-Air Organics Processing Facility, Mixed Waste Processing Facility, etc.) | A. Allow Facilities to Locate in Areas Pre-Zoned for that Type of Private Waste Facility. Site Plan Approval is required.  
B. Re-Zoning and Site Plan Approval  
C. Facilities require OP Amendment, Re-Zoning and Site Plan Approval. Additional studies also required. |
| **Thermal Treatment Facilities** (e.g. Refuse-derived-Fuel Manufacturing Facilities, Thermal Treatment/Energy-from-Waste facility, etc.) | A minimum separation distance of 300 metres from a sensitive land use is required.  
Facility permitted if separation distance is less than 300 metres from a sensitive land use, but cannot be less than 70 metres.  
Facilities within 70 metres of a sensitive land use. |
| **Waste Transfer** (e.g., MSW Transfer Station Recyclables Transfer Station Organics Transfer Station, etc.) | A minimum separation distance of 300 metres from a sensitive land use is required.  
Facility permitted if separation distance is less than 300 metres from a sensitive land use, but cannot be less than 70 metres.  
Facilities within 70 metres of a sensitive land use. |
| **Waste Disposal** (e.g., Landfill) | Not Applicable  
Not Applicable  
All applications subject to approval under the Ontario Environmental Assessment Act for establishment of new waste disposal capacity apply. |
| **Hazardous Waste** (e.g. Any facility receiving and processing hazardous waste materials) | Not Applicable  
Not Applicable  
All applications for new or expanded hazardous waste processing facility capacity. |
7.3 Urban Area Implementation vs. Rural Area Implementation

We recommend that the preferred alternative as defined above, with specific separation distances from sensitive land uses be applied in the same fashion of both Rural and Urban applications. Although rural and urban areas are distinctly different the premise behind allowing a facility to establish based on its proximity to sensitive land uses applies in both urban and rural settings.

Official Plan and Zoning By-law Amendments have been drafted using the information from Table 6 above (Appendix J). The expansion of private waste facilities is also addressed in Appendix J.

8.0 NEXT STEPS

The preferred alternative identified above will be presented to City of Hamilton Economic Development and Planning Committee and Council for endorsement to proceed with incorporating the findings of this study in the City’s new Official plan and Zoning documents.

9.0 RECOMMENDATIONS

The City of Hamilton currently lacks direction in its Official Plans and Zoning By-laws to deal with private waste facilities and the impacts they can potentially have on surrounding land uses. Through discussions with the Steering Committee and public and agency consultation, a preferred alternative has been identified for the City’s consideration. The following are further recommendations for implementation:

1. Hold regular discussions with the MOE, Hamilton District in order to foster a more conducive working relationship.
   Initial discussions with the MOE indicate that they may not be willing to enter into any formal agreement with the City because of the precedence it may create. Should the City not be able to obtain such an agreement, the City may still attempt to improve their working relationship with the MOE by suggesting periodic update meetings. Informal meetings would not set precedence, yet they may still benefit the City as they would have the opportunity to explain their difficulties in dealing with C of As directly to the MOE.

2. Maintain a complete inventory of private waste facilities.
   The City does not currently have an updated listing of all private waste facilities within City boundaries. In order to properly address the potential impacts of waste facilities and ensure the appropriate separation distances are implemented, the City should complete an inventory of all private waste facilities.

3. Continue the Interim Control By-law until the Official Plan(s) and By-law amendments are enacted.
   The Interim Control By-law prohibits the creation of any new private waste facilities as well as the expansion of any current facilities for most industrially zoned lands. This By-law should remain in place until such time as amendments to the Official Plan(s) and Zoning By-law are approved in order to protect adjacent sensitive land uses.
4. **Approve Official Plan and Zoning By-law Amendments.**
Using the preferred alternative identified in this report, amendments to the Official Plans and Zoning By-laws should be approved as soon as possible as per Section 7.3. The suggested Official Plan and Zoning By-law Amendments are located in Appendix J.

5. **Include provisions for existing facilities in the amendments.**
Legally existing private waste facilities should be allowed to continue operation. Expansion of existing private waste facilities should be considered as per Appendix J.

6. **The City should hold periodic discussions with the private sector.**
Discussions should focus on new technology that could change the separation distances identified in this report, changes in legislation and how it would affect private waste facility operators, and updates on MOE responsibilities.

7. **City Staff should address public waste facilities.**
City staff should address public waste management facilities prior to the completion of the new OP in June 2009. The City should consider using the same parameters for public facilities as those suggested in this report for private facilities.

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### 10.0 CLOSING

We trust this report meets your requirements. If you require any further information, please contact the undersigned at (905) 631-3910.

Yours very truly,

**JACQUES WHITFORD LIMITED**

*Original Signed and on File*

Jim McKay  
Group Leader, Solid Waste Services  
Assistant Area Manager, Burlington and SW Ontario
11.0 REFERENCES


Canadian Environmental Protection Act 1999.


The Farming And Food Production Protection Act 1998.


Ontario Environmental Assessment Act 1990.

Ontario Environmental Protection Act 1990.

Ontario Health Promotion and Prevention Act 1990.

Ontario Planning Act 1990.


APPENDIX A

Glossary
## GLOSSARY

<table>
<thead>
<tr>
<th>Terms</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material Recovery Facility/Processing of Blue Box Recyclables</td>
<td>Mixed recyclable waste is sorted at the facility and is sold as separate materials streams.</td>
</tr>
<tr>
<td>Open-Air Organics Processing Facility</td>
<td>Organic material is composted in an “open-air” facility (i.e., not within an enclosed structure). Typically process used for leaf &amp; year waste and some Industrial, Commercial and Institutional wastes.</td>
</tr>
<tr>
<td>In-Vessel Organics Processing Facility</td>
<td>Organic material is composted or digested in a closed facility with odour control technology. Typically this is the process used for source-separated organics and some IC&amp;I wastes.</td>
</tr>
<tr>
<td>Wood Waste Recycling</td>
<td>Scrap wood waste can be recycled for various uses – typically involves large shredders/grinders.</td>
</tr>
<tr>
<td>Aggregate Recycling</td>
<td>Dry waste recovered from construction, demolition, or refurbishment projects.</td>
</tr>
<tr>
<td>Mixed Waste Processing</td>
<td>Recyclable materials are removed from the waste stream while the remaining organic material is composted or treated anaerobically. Mixed waste processing facilities are known as Mechanical – Biological Treatment (MBT) plants.</td>
</tr>
<tr>
<td>Refuse-derived-Fuel Manufacturing Facility</td>
<td>Mixed waste is processed into a fuel product that can then be transported to cement kilns, greenhouses, etc.</td>
</tr>
<tr>
<td>Thermal Treatment/Energy-from-Waste Facility</td>
<td>Waste treatment facilities that utilize waste to produce energy in the form of electricity and/or heat.</td>
</tr>
<tr>
<td>Transfer Station</td>
<td>A centrally located facility for receiving small shipments of waste which is later transported to a disposal facility (usually within 24 hours).</td>
</tr>
<tr>
<td>Recyclables Transfer Station</td>
<td>A centrally located facility for receiving small shipments of recyclable materials which is later transported to a processing facility (usually within 24 hours).</td>
</tr>
<tr>
<td>Organics Transfer Station</td>
<td>A centrally located facility for receiving small shipments of organic materials which is later transported to a processing facility (usually within 24 hours).</td>
</tr>
<tr>
<td>Terms</td>
<td>Definitions</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Transfer Station with Waste Sorting/Processing</td>
<td>A facility where some waste materials are sorted and removed from the waste stream. Sorted materials are managed separately from mixed waste stream.</td>
</tr>
<tr>
<td>Sanitary Landfill</td>
<td>Solid waste materials are placed in excavated “cells”, compacted and covered daily. Modern sanitary landfills will have leachate collection systems and gas capture systems.</td>
</tr>
<tr>
<td>Institutional, Commercial &amp; Industrial (IC&amp;I) and Construction &amp; Demolition (C&amp;D) Sanitary Landfill</td>
<td>Sanitary landfill accepting waste from industrial, commercial and institutional sources and construction and demolition debris.</td>
</tr>
</tbody>
</table>
APPENDIX B

Pictures of Waste Facilities
Durham Material Recovery Facility

Mixed waste is sorted at the facility and is sold to materials re-processors.
Hamilton Transfer Station

A central area for collecting waste which is later transported to a landfill.
Pinellas County Waste-to-Energy Facility

A waste treatment that utilizes waste to produce some sort of energy in the form of electricity or heat.
Wanlip Anaerobic Digestion Facility

Bacteria break down organic waste in the absence of oxygen.
Dry waste recovered from construction, demolition, or refurbishment projects.
Waste from timber can be recycled for various uses.
Lübeck Waste Treatment Facility, Germany (Mechanical Biological Treatment)

A combination of mechanical and biological methods used to process waste before it is disposed of in a landfill or further utilized.
Hawaii Landfill Site

Waste material is placed on top of the land or in trenches. It is compacted and capped with earth.
Types of composting:

- Aerated Static Pile: artificial means are used to distribute air through the pile.
- Windrow/Static Pile: Organic matter is placed in elongated piles and aerated by natural convection.
- Mixed Waste Processing: Recyclable materials are removed from the waste stream while the remaining organic material is composted for treated anaerobically.
"Eiterköpfe" Landfill Gas Plant, Germany

Landfill gas is created when anaerobic bacteria digest matter present in the landfill site. The gas is either vented to the atmosphere, flared, or used in the production of electricity.
APPENDIX C

Waste Disposal Site Certificate of Approval Records in the City of Hamilton
# PRIVATE WASTE FACILITIES LOCATED IN HAMILTON

<table>
<thead>
<tr>
<th>Operator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transfer Stations</strong></td>
<td></td>
</tr>
<tr>
<td>Budget Environmental Disposal Ltd.</td>
<td>375 Gage Avenue North, Hamilton, Ontario</td>
</tr>
<tr>
<td>Capital Environmental Resource Inc.</td>
<td>306 Lake Avenue North, Hamilton, Ontario</td>
</tr>
<tr>
<td>PSC - Philip Services Inc.</td>
<td>519 Parkdale Avenue North, Hamilton, Ontario</td>
</tr>
<tr>
<td>Thomson Metals and Recycling</td>
<td>735 Strathearn Avenue North, Hamilton, Ontario</td>
</tr>
<tr>
<td>Waste Mgt Corp of Canada</td>
<td>254 Lottridge Street, Hamilton, Ontario</td>
</tr>
<tr>
<td>Twin Oaks Environmental (BFI Canada)</td>
<td>464 Rennie St., Hamilton, Ontario</td>
</tr>
<tr>
<td>Waxman Industries</td>
<td>500 Centennial Parkway N., Hamilton Ontario</td>
</tr>
<tr>
<td>Team-1 Environmental Services Inc.</td>
<td>1650 Upper Ottawa Street, Hamilton, Ontario</td>
</tr>
<tr>
<td>RPR Environmental</td>
<td>164-166 South Service Road</td>
</tr>
<tr>
<td>Plaza Integrated Environmental Ltd.</td>
<td>Part Lot 10, Concession 1, Barton, (3 Hillyard Street)</td>
</tr>
<tr>
<td>Philip Services Inc</td>
<td>52 Imperial Street, Hamilton</td>
</tr>
<tr>
<td>Flow-Kleen Technology Ltd.</td>
<td>841 Arvin Ave., Stoney Creek</td>
</tr>
<tr>
<td>1371971 Ontario Inc.</td>
<td>Part Lot 31, Conc. 4, Former Town of Ancaster, Hamilton</td>
</tr>
<tr>
<td><strong>Material Recovery Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Canada Fibres Limited</td>
<td>1579 Burlington St. E., Hamilton</td>
</tr>
<tr>
<td><strong>Landfills</strong></td>
<td></td>
</tr>
<tr>
<td>Newalta</td>
<td>65 Green Mountain Road W., Stoney Creek</td>
</tr>
<tr>
<td><strong>Compost Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Waterdown Gardens</td>
<td>1771 Hwy #5 West, RR#1, Troy</td>
</tr>
</tbody>
</table>
CERTIFICATE OF APPROVALS RECEIVED BY THE CITY

In 2007, three (3) applications have been received by the MOE and forwarded to the City of Hamilton for comments.

CA-07-001 Ward 3
Applicant: A. Pingue Consulting Services Inc.
Location: 217 and 221 Lottridge St. and 103 Clinton St. Hamilton, Ontario
- application for a Certificate of Approval for a Waste Disposal site for the transfer and processing of non-hazardous solid waste up to 500 tonnes per day
- comments from the City of Hamilton are in progress

CA-07-002 Ward 10
Applicant: MIDA International
Location: 384 Millen Road, Stoney Creek, Ontario
- application for a Certificate of Approval (Waste Disposal/Site Processing) for a waste processing facility to recycle electronic scrap and decanning catalytic converters with maximum storage capacity of 100 tonnes
- comments from the City are in progress

CA-07-003
Applicant: 1251431 Ontario Inc. and Davidson Environmental
Location: 525 Parkdale Avenue North, Hamilton, Ontario, L8H 5Y6
- application for a Certificate of approval for a waste disposal site for the transfer of non-hazardous solid industrial, commercial, and institutional waste that serves Ontario
- comments from the City did not proceed as required rezoning application was denied

In 2006, three (3) applications were received by the MOE and forwarded to the City of Hamilton for comments.

CA-06-01 Ward 5
Applicant: Waste Services Inc.
Location: 306 Lake Avenue North, Hamilton, Ontario, L8E 3A2
- application for an amendment to an existing Certificate of Approval (No. A100210)
- proposed the continued use of a waste disposal site, for the processing/transfer of non-hazardous solid waste
- proposed to increase allowable waste storage from 100 tonnes to 150 tonnes
- the City recommended the MOE deny the application
- the MOE approved the application

CA-06-02 Ward 3
Applicant: Regional Disposal Services Inc.
Location: 375 Gage Avenue North, Hamilton, Ontario, L8L 7B1
- application for an amendment to an existing Provisional Certificate of Approval
- proposed changes the following: 1) an increase in allowable waste storage limits from 100 tonnes to 300 tonnes per day; 2) increase in the maximum waste storage on the site from 150 tonnes to 350 tonnes; 3) allow the transfer of source separated wood waste material outside the existing waste transfer building
- the City recommended that the MOE approve the application with a number of conditions

CA-06-03 Ward 5
Applicant: Frontier Engineers Inc.
In 2005, two (2) applications were received by the MOE and forwarded to the City of Hamilton for comments.

CA-05-01 Ward 12
Applicant: Safety-Kleen Canada Inc.
Location: 1574 Wilson Street West, Units 1, 2, and 3, L9G 3L3
- application for an amendment to an existing Certificate of Approval (No. A130205)
- proposed a change in address to reflect the City of Hamilton’s amalgamation with the City of Ancaster
- requested to be able to temporarily store additional waste streams
- the City recommended the MOE approve the application with a number of conditions

CA-05-02 Ward 3
Applicant: PSC Industrial Services Canada Inc.
Location: 52 Imperial Street, Hamilton, Ontario, L8L 5Y6
- application to amend existing Provisional Certificate of Approval (A100140)
- requested approval to: 1) replace the bulk storage tanks existing at the site with an equal volume of drummed waste storage; 2) increase the approved service area to include all of North America; 3) to add a number of waste classes to the facility
- the City did not support the application and requested a number of conditions if the application were approved
- the MOE approved the application, and incorporated the City’s requests into their decision

In 2004 no applications were received by the MOE and forwarded to the City of Hamilton for comments.

In 2003, five (5) applications were received by the MOE and forwarded to the City of Hamilton for comments.

CA-03-01 Ward 5
Applicant: Hamilton Bio Conversion Inc. and American Water Services Canada Corporation
Location: 2380 Brampton Street, Hamilton, Ontario
- applied for an amendment to a Certificate of Approval
- proposed to change some of the existing operating equipment
- also requested to recognize the American Water Services Canada Corp. as the Certificate holder and operator of the facility
- the City did not support the application, but provided requests if the MOE approved it
- the MOE approved the application with a number of restrictions

CA-03-02 Ward 14
Applicant: Waterdown Garden Supplies Limited
Location: 1771 HWY. #5, West, R.R #1, Troy, Ontario
- applied for an amendment to a Provisional Certificate of Approval
- requested to extend their hours of operation to accept paper sludge waste 24 hours a day/7 days a week
- the City recognized that the landowner had never addressed zoning compliance issues, and recommended that the MOE hold the application until the issues were resolved

CA-03-03 Ward 3
Applicant: Philips Services Inc
Location: 52 Imperial Street, Hamilton, Ontario
- applied for an amendment to a Provisional Certificate of Approval (No. A1001140)
- requested to allow the construction of an extension to the mixing pit building on site
- the City recommended that the MOE approve the application, with a number of conditions
- the MOE approved the application and incorporated the requests

CA-03-04
Applicant: 958160 Ontario Limited and DA Lee Waste Oil Services
Location: 350 Jones Road, Stoney Creek, Ontario, L8E 5N2
- applied for an amendment to a Provisional Certificate of Approval (No. A130407)
- requested to allow for an increase to the storage capacity on site, to allow for the
  replacement of five storage tanks, and to allow for an additional waste class to be received at
  the facility
- before comments were completed by the City, the applicant cancelled the application, and
  the MOE and the City were notified

CA-03-05 Ward 10
Applicant: 1049585 Ontario Inc. and RPR Environmental Services
Location: 164-166 South Service Road, Stoney Creek, Ontario
- application for an amendment to a Certificate of Approval
- requested to expand operations to a neighboring unit, and to increase the amount of waste
  stored from 250 drums to 500 drums
- the City recommended that the MOE approve the application and requested some conditions

In 2002, three (3) applications were submitted to the MOE and forwarded to the City of Hamilton
for comments.

CA-02-01 Ward 6
Applicant: Team-I Environmental
Location: 1650 Upper Ottawa Street, Hamilton, Ontario, L8W 3P2
- application for a Provisional Certificate of approval for a Waste Transfer Station
- the City recommended that the application be approved with a number of conditions

CA-02-02 Ward 12
Applicant: Shinglock Products International
Location: 735 Trinity Road, Hamilton, Ontario
- application for a Certificate of Approval for a Waste Disposal Site, receiving 10 tonnes per
day of used shingles, and maximum storage of 200 tonnes of material
- the City recommended the MOE approve the application with a series of site-specific
requests pertaining to the application

CA-02-03 Ward 5
Applicant: M & B Enterprises
Location: 294 Lake Avenue, City of Hamilton
- application for a Certificate of Approval for a Waste Disposal Site with a solvent recycling
  program for industrial customers.
- the City recommended that the MOE approve the application with some conditions
- on November 19th the application was withdrawn by the applicant and closed by the MOE

In 2001, five (5) applications were submitted to the MOE and forwarded to the City of Hamilton for
comments.

MOE-COA-01-01
Applicant: Budget Environmental Disposal Ltd.
Location: 375 Gage Avenue North, Hamilton, Ontario
- application for a Provisional Certificate of Approval for a Waste Disposal Site
  (Transferring/Processing)
the City provided the MOE with a number of requests if the application were to be approved

MOE-COA-01-02
Applicant: Hamilton Recycling Inc.
Location: 735 Strathearne Ave, Hamilton, Ontario
- application for a Provisional Certificate of Approval for a Waste Disposal Site (Transfer/Processing)
- the City provided the MOE with a number of requests if the application were to be approved

MOE-COA-01-03
Applicant: Alpha Product Management Inc.
Location: 750 Strathearne Ave.
- applied for an Amendment to a Certificate of Approval for a Waste Disposal Site (Processing) to add and replace various pieces of processing equipment
- the City provided recommendations to the MOE if the application was to be approved

MOE-COA-01-04
Applicant: Philip Services Incorporated
Location: 52 Imperial Street, Hamilton, Ontario
- application for an amendment to a Certificate of Approval (A100140) for a Waste Disposal Site
- requested to allow additional waste classes at the facility
- the decision was made by the MOE to approve the application before the City had a chance to submit comments

MOE-COA-01-05
Applicant: Capitol Environmental Resources Inc.
Location: 306 Lake Avenue North, Hamilton, Ontario
- application for an amendment to Certificate of Approval (A100210) for a Waste Disposal Site (Transfering)
- requested to allow additional waste classes at the facility
- comments were provided by some of the City's departments, but no final recommendation was made

In 2000, six (6) applications were submitted to the MOE and forwarded to the City of Hamilton for comments.

MOE-COA-00-001
Applicant: Hotz Environmental Services Inc.
Location: 239 Lottridge St., Hamilton, Ontario
- application for an amendment to Certificates of Approval No. A100146 and A650089
- requested to allow changes to operating hours, on-site storage procedures and record-keeping practices
- the City did not object the application but provided a number of requests if the MOE approved the application

MOE-COA-00-002
Applicant: Walcorp Inc.
Location: 675 Strathearne Ave. Hamilton, Ontario
- application for a Certificate of Approval for a Waste Disposal site (Processing)
- the city objected the application but provided a number of conditions if the application were to be approved
- the MOE approved the application
MOE-COA-00-003
Applicant: Canadian Liquids Processors Limited
Location: 15 Biggar Avenue, Hamilton, Ontario
- application for an amendment to Certificate of Approval No. A650041
- requested to allow three new waste streams to be accepted at the Waste Disposal Site, as well as to implement a new processing system
- the City recommended that the application not be accepted but provided a number of requests if the application were to be approved
- the MOE notified the City that they had approved the application and taken the City’s requests into consideration

MOE-COA-00-04
Applicant: Hamilton Bio Conversion Inc.
Location: 2380 Brampton St., Hamilton, Ontario
- application for an amendment to a Provisional Certificate of Approval for a Waste Disposal Site (Processing)
- proposed a processing demonstration program, and the establishment of a new processing operation
- the City notified the MOE that they have no comments with regard to the application

MOE-COA-00-05
Applicant: RPR Environmental
Location: 164-166 South Service Road
- application for an amendment to an existing provisional Certificate of Approval
- requested to increase storage time to 90 days for 250 drums of waste material
- the City notified the MOE that they have no comments with regard to the application

MOE-COA-00-06
Applicant: Hamilton Recycling Inc
Location: 446 Burlington Street East
- application for a Provisional Certificate of Approval for a Waste Disposal Site (Transfer)
- before comments were completed by the City, the applicant informed the City and the MOE that they were closing their application

In 2000, three (3) applications were submitted to the MOE and forwarded to the City of Hamilton for comments.

MOE-COA-99-01
Applicant:
Location: 3 Hillyard Street, Hamilton, Ontario
- application for a Certificate of Approval, Waste Disposal Site (Processing and Transfer)
- the City objected to the issuance of the Certificate of Approval but provided conditions if the MOE were to approve the application.

MOE-COA-99-02

MOE-COA-99-03
Applicant: Hamilton Bio-Conversion
Location: 2380 Brampton Street Hamilton, Ontario
- application to amend Provisional Certificate of Approval (No. A650025)
- proposed to move and relocate the depackaging operations from the Brampton Bio Conversion Inc. Plant to the Hamilton Plant.
- the City of Hamilton had no comment regarding the application
- the MOE issued a Certificate to the applicant with a number of conditions.
In 1998, six (6) applications were submitted to the MOE and forwarded to the City of Hamilton for comments.

MOE-COA-98-01
Applicant: St. Josephs Hospital
Location: 50 Charlton Avenue East
- application for a Waste Disposal site (Incineration)
- the City did not object to the application and recommended conditions if the MOE were to approve the application

MOE-COA-98-02

MOE-COA-98-03
Applicant: Carbonium Corporation
Location: 500 Sherman Ave North, Hamilton, Ontario
- application for a Certificate of Approval for a Waste Disposal Site (Processing) to recycle scrap tires into marketable carbon black, oil, steel and gas.
- proponent withdrew the application

MOE-COA-98-04
Applicant: The Region of Hamilton-Wentworth
Location: 37 Kilbridge Road
- application to amend Certificate of Approval No.130111 for a Waste Disposal site (processing) for the Mountain Transfer Station
- the City had no objections to the approval of the application

MOE-COA-98-05
Applicant: Hamilton Bio-Conversion
Location: 238 Brampton Street, Hamilton, Ontario
- application for an amendment to an existing certificate of approval to increase plant processing capacity, and process additional waste streams (ie. wastewater plant residues, and paper sludge)
- the file was closed by the MOE

MOE-COA-98-06
Applicant: Kenora Transfer Station
Location: 470 Kenora Avenue, Hamilton, Ontario
- application for an amendment to an already existing Certificate of Approval to alter storage of materials, and receiving bays.
- the City had no objections to the proposal

In 1997, five (5) applications were submitted to the MOE and forwarded to the City of Hamilton for comments.

MOE-COA-97-01
Applicant: Canadian Waste Services Inc.
Location: 245 Lottridge Street, Hamilton, Ontario
- application for an amendment to a Waste Disposal Site (Transfer)
- proposed to allow an increase to 600 tonnes of waste per day received at site
- the City objected to the application but provided a number of conditions if the MOE were to approve it

MOE-COA-97-02
Applicant: Hamilton Bio Conversion
Location: 2380 Brampton Street, Hamilton, Ontario
- application for an amendment to a Provisional Certificate of Approval to operate a Waste Disposal Site (Processing)
- proposed to process organic waste streams
- the City had no objection to the application but provided conditions if the proposal was approved
- the MOE approved the application, and the amended Certificate was issued

MOE-COA-97-03
Applicant: Philip Enterprises Inc.
Location: 1579 Burlington Street East
- application for an amendment to Certificate of Approval No. A130213
- requested an expansion on the existing area of receipt to include all of the Province of Ontario
- the City did not object to the application and included a number of conditions if the MOE approved the changes
- the MOE approved the application

MOE-COA-97-04
Applicant: Philip Enterprises
Location: 799-800 Parkdale Avenue North
- application for an amendment to an already existing Provisional Certificate of Approval (No. A100145) to reduce the license property of 21.4 acres in size to 14.1 acres.
- the MOE issued the new Certificate of Approval before receiving official comments from the City

MOE-COA-97-05
Applicant: Philip Enterprises
Location: 799-800 Parkdale Avenue North
- applied for approval under the Ontario Water Resources Act for the discharge of coolant water
- the City did not object to the application but included a number of conditions if the MOE were to approve it
- the MOE submitted a Draft Certificate of Approval
APPENDIX D

Excerpts from the By-laws for Hamilton, Ancaster, Dundas, Flamborough, Glenbrook, and Stoney Creek
SECTION 26: INDUSTRIAL “M1” ZONE

No person shall within any Industrial “M1” Zone, use any land, or erect, alter or use any building or structure except for such purposes and in accordance with the following provisions:

26.1 Permitted Uses

(a) Warehousing and wholesaling uses and any manufacturing or industrial uses which are not offensive by reason of the emission of odour, dust, smoke, gas, fumes, noise, cinder, vibration, refuse matter or water-carried waste.

(b) Uses accessory thereto including open display and storage, and outside operations.

26.2 Regulations

(a) Minimum Lot Frontage 60 metres

(b) Minimum Lot Area 4000 sq. metres.

(c) Maximum Lot Coverage 50 per cent.

(d) Minimum Front Yard 12.2 metres.

(e) Minimum Rear Yard 7.5 metres.

(f) Minimum Side Yard 7.5 metres.

(g) Maximum Building Height 10.5 metres.

(h) Parking

(i) The provisions of Subsection 7.14 shall apply.

(ii) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 3 metres from any rear lot line or side lot line or less than 7.5 metres from any street line or boundary of any Residential Zone.

(i) Minimum Loading Space Requirements

(i) Off-street loading facilities shall not be located in such a manner as to interfere with the location or operation of the parking area.


(ii) A loading space shall have a minimum width of 3.6 metres, a minimum vertical clearance of 4.25 metres and a minimum length of 16.75 metres.

(iii) The distance between the end of the loading space and the rear lot line or edge of the parking area shall be a minimum of 16.75 metres.

(iv) No loading space shall be located in any front yard or any side yard, or any side yard abutting a street.

(j) Minimum Landscaping

A planting strip of minimum 3 metres width shall be provided adjacent to every portion of any lot line that abuts any street line or any Residential Zone, except for areas used for ingress and egress.

(k) Fences

(i) Any area used for storage and outside operations shall be screened so as to be not visible from any street line, and shall be enclosed by a fence of at least 1.8 metres in height which shall be constructed of durable material and shall be maintained thereafter.

(ii) Any fence not used for screening of open display and storage, and outside operations shall be of chain link construction.

(iii) Any fence enclosing open display and storage, and outside operations shall be constructed of durable material and shall be maintained thereafter.

(l) Accessory Buildings

The provisions of Subsection 27.9 shall apply.

(m) Open Storage

The provisions of Subsection 7.17 shall apply.

(n) Residential Uses

The provisions of Subsection 27.11 shall apply.

26-2
SECTION 24: USES PERMITTED IN INDUSTRIAL ZONES

EXPLANATORY NOTE

The list of permitted uses as set out under the first column of the following table has been derived from the STANDARD INDUSTRIAL CLASSIFICATION (S.I.C) 1980. Any use thus defined represents a level of organization by type of specialization as recorded in the S.I.C.

An asterisk (*) appearing under a zone column (e.g. LIGHT INDUSTRIAL ZONE (I.L)) means that any uses included under the corresponding S.I.C classification are permitted within the zone.

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<tr>
<td>3.1 Truck Transport Industries</td>
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<tr>
<td>3.2 Used Goods Moving and Storage Industry</td>
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<td>6213</td>
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<tr>
<td>7.1 Medical and Other Health Laboratories</td>
<td>868</td>
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SECTION 5

(ii) the minimum setback for an inground pool from the property line shall be 9.1 metres;

(iii) the minimum setback for an above-ground or on-ground pool shall be 9.1 metres. If an above-ground or on-ground pool is surrounded by a deck, the required setback, as specified above, shall be measured from the outside edge of the deck structure.

(c) Setbacks for swimming pools, with the exception of those specified in (a)(iii) and (b)(iii) above, shall be measured from the inside edge of the swimming pool.

5.23 USES PERMITTED IN ALL ZONES

Nothing in this By-law shall prevent the use of any lot or the erection or use of any building or structure in any zone for the provision of the following public utilities, provided that the use complies with the provisions of Section 5 of this By-law:

(a) a public street;

(b) facilities essential to the operation of any public utility as specified in the Public Utilities Act, R.S.O. 1990, Chapter P.54, as amended from time to time, or in the Power Corporation Act, R.S.O. 1990, Chapter P.18, as amended from time to time, including any associated utility service building or structure, but excluding any building used for retail commercial or office purposes;

(c) a railway line;

(d) any properly authorized traffic sign or signal;

(e) any sign or notice of the Town, Region or other governmental authority; and,

(f) conservation uses.

5.24 USES PROHIBITED

5.24.1 Noxious Uses

Notwithstanding any other provision of this By-law, no use shall be permitted which is considered under the terms of the Health Protection and Promotion Act, R.S.O. 1983, as amended from time to time, to be a health hazard or noxious use as defined herein.

5.24.2 Prohibited Uses

(a) No person shall use any land or erect or use any building or structure for any purpose other than one or more of the uses listed under the heading "Permitted Uses" for each

● 5-21 ●
SECTION 5  GENERAL PROVISIONS

zone category in which such land, building or structure is located, or as permitted under Section 5 of this By-law.

(b) Prohibited Uses, in all zones shall include, but not be limited to the following:

- Salvage yard
- A track for the racing of motor vehicles or motor cycles or for the operation of go-carts
- Glue manufacturing
- Automobile wrecking establishment
- Bloodboiling
- Boneboiling
- Rendering fats
- Fish products processing
- Extraction of oil from fish and animal matter
- Manufacturing and/or storage of fertilizers from dead animal or animal waste
- Vegetable oil mill
- Hide processing
- Pulp and paper mill
- Asbestos products manufacturing
- Petroleum refinery
- Manufacturing of explosives

OMB - Waste disposal site, except as approved pursuant to the Environmental Assessment Act or the Environmental Protection Act.

5.25 RESIDENTIAL AREAS - LIVESTOCK PROHIBITED

5.25.1 The keeping or raising of farm animals, including but not restricted to cattle, sheep, goats, swine, poultry, reptiles, birds, or any wild animals, including tamed or domesticated wild animals or mink or other fur-bearing animals, shall be prohibited within any Residential Zone, and within the A-4 zone and on any residential lot.

5.25.2 The keeping or raising of any horse, pony, mule or donkey shall be prohibited within any of the following Residential zones and any exception numbers thereto: R1, R2, R4, R5, R6, R7, R8 and R9.

5.25.3 The keeping or raising of any horse, pony, mule or donkey on any residential lot other than those specified in 5.25.2 or any lot zoned Estate Residential R3, shall be prohibited within 15 metres of any lot line and within 60 metres of any building used for other than agricultural purposes.
SECTION 37: PUBLIC INDUSTRIAL "M8" ZONE

No person shall within any Public Industrial "M8" Zone, use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

37.1 PERMITTED USES

(a) Existing Region of Hamilton-Wentworth Solid Waste Disposal and Landfill Operation, and uses, buildings and structures accessory thereto, excluding residential uses. Liquid Industrial Waste disposal shall not be permitted.

(b) Agricultural uses, except poultry farms, fur bearing animals farms, livestock operations, manure storage facilities, mushroom farms, greenhouses, kennels and new residential uses.

37.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 37.1

(a) Maximum Lot Frontage ........................................................ as existing

(b) Maximum Lot Areas ........................................................ as existing

(c) Maximum Lot Coverage ..................................................... 5 percent

(d) Minimum Yards ............................................................... 60 metres (200 feet)

(e) Maximum Height ............................................................. 10.7 metres (35 feet)

(f) Minimum Parking Requirements

(i) Parking spaces shall be provided on the same lot on which the principal use is located, sufficient in number to accommodate the employees of, and the visitors to, the permitted solid waste disposal and landfill operation; and

(ii) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 30 metres (100 feet) of any lot line.
(g) Minimum Loading Spaces

(i) Off-street loading spaces shall be provided on the same lot on which the principal use is located, sufficient in number to provide for the needs of the permitted solid waste disposal and landfill operation; and

(ii) No loading space or part thereof shall be located and no land shall be used for loading purposes within 30 metres (100 feet) of any lot line.

(h) Minimum Fencing Requirements

A fence having a minimum height of 1.8 metres (6 feet) shall be provided and thereafter maintained adjacent to every boundary of the existing solid waste disposal and landfill operation.

37.3 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (h) OF SUBSECTION 37.1 (AGRICULTURAL USES)

Pursuant to the relevant provisions of SECTION 8: GENERAL AGRICULTURAL "AI" ZONE of this By-Law.
SECTION 40: PUBLIC "P" ZONE

No person shall within any Public "P" Zone use any land, or erect, alter or use any building or structure, except in accordance with the following provisions:

40.1 PERMITTED USES

Public uses and operations carried on by, or on behalf of, a Municipal Provincial or Federal Government or agency thereof, and without limiting the generality of the foregoing shall include:

(a) Municipal offices, libraries, fire halls, post offices, and police stations;

(b) Water treatment facilities, sewage treatment facilities and work yards. Solid waste disposal and landfill operations shall not be permitted; and

(c) Uses, buildings and structures accessory to any of the foregoing uses are permitted.

40.2 REGULATIONS FOR USES PERMITTED IN SUBSECTION 40.1

(a) Minimum Lot Frontage...........................................................................30 metres (100 feet)

(b) Minimum Lot Area .............................................................................1,390 square metres (15,000 square feet)

(c) Maximum Lot Coverage.........................................................................50 percent

(d) Minimum Yard Requirements

No building or structure shall be used or erected within 9 metres (30 feet) of any lot line or within 15 metres (50 feet) of a lot line which is the boundary of any Residential Zone or any Zone where the adjoining land is used for residential purposes.

(e) Maximum Height..................................................................................10.7 metres (35 feet)

(f) Minimum Parking Requirements

(i) All parking spaces shall be provided in accordance with the general provisions of Paragraph 7.35(a) of this By-Law.

(ii) The minimum number of parking spaces shall be provided in accordance with the provisions of Paragraph 7.35 (b) of this By-Law.
(iii) For all uses not specified in Paragraph 7.35 (b), the minimum number of parking spaces shall be sufficient in number to accommodate the employees of, and the visitors to, the public use or uses on such lot.

(iv) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 3 metres (10 feet) of any lot line, except shall not be located closer than 7.5 metres (25 feet) to any street line or the boundary of any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

(g) Minimum Landscaping Requirements

A landscaped area in the form of a planting strip having a minimum width of 1.5 metres (5 feet) shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

(h) Accessory Buildings

Pursuant to the provisions of Subsection 7.13 of this By-Law.
(2b) Notwithstanding any other provision of this By-Law, the provisions of this By-Law shall not apply to prevent the use of any land adjoining a public hospital or on the opposite side of a highway from a public hospital, or the purpose of parking spaces for ambulances, and of motor vehicles of physicians, surgeons, patients and visitors at the public hospital, and of employees working at the public hospital; (9819/62) (92-170)

Provided that wherever any such parking spaces adjoin a residential district, there shall be erected and maintained between the said parking spaces and the residential district, a suitable fence, or a planting strip at least 1.5 metres (4.92 feet) wide shall be provided and maintained, either within or without the residential district, and no parking or other use shall be allowed within said 1.5 metre (4.92 foot) strip. (9819/62) (79-288) (80-049) (92-170)

(2c) Where the use or location of a single family dwelling or two family dwelling, or any accessory building or structure thereto is legally established non-conforming, nothing in this By-Law shall prevent the strengthening, restoration or reconstruction where the strengthening, restoration or reconstruction does not increase the height or the area or the volume or change the use of the building or structure. (81-222) (92-170)

CERTAIN USES NOT RESTRICTED

(3) Save with respect to requirements for yards and parking facilities, and save as hereinafter otherwise specifically provided or limited, the provisions of this By-Law shall not apply to (8215/58)

Residential Uses

(ia) A home occupation, except that hairdressing or barbering home occupations shall not be permitted within a "B" (Suburban Agriculture and Residential, etc.), "B-1" (Suburban Agriculture and Residential, etc.), or "B-2" (Suburban Residential) District;

(ib) Private home day care;

(ic) The keeping of small animals or fowl not primarily for gain; (90-248) (92-210)

Institutional Uses

(ii) A bulletin board for a public hospital, private hospital, long-term care facility, children’s residence, sanatorium or other such institutional use, if situated...
on the premises, and either attached to the building, or at least 3.0 metres (9.84 feet) from the nearest street line, of an area not more than 1.2 metres (12.92 square feet), and neither non-illuminated or illuminated by non-flashing, indirect or interior means only; (10575/64) (79-288) (80-049) (81-27) (92-170) (01-143)

Public Uses

(iii) An armouries, barracks, parade ground or other defense use under the jurisdiction of The Department of National Defense:

(iv) A police station, fire station, filtration plant, sewage disposal plant, or, subject to the foregoing, any other such publicly-owned and operated property except

(a) a public hospital, gaol, reformatory, industrial refuge, training school, sanatorium or other such institutional use;

(b) a liquor or beer store or other commercial use, even though publicly-operated; or

(c) a garbage dump, public incinerator, city yard, district yard, pound or other such public uses;

(v) A Church, Sunday School or other place of worship, with or without a parish hall; (6902/52)

(vi) A statue, monument, cenotaph, fountain or other such memorial or ornamental structure;

(vii) A street or alley save as may be specifically provided with respect to modification of yard requirements or otherwise;

(viii) A public park managed and controlled by a local or other government body, or a publicly operated airport or airfield;

(ix) Any properly authorized traffic sign or signal, any public election list or government proclamation, any sign or notice of the Local Board of Health, the Provincial Department of Highways, the Department of Mines and Resources, or other local or other government department or authority, any sign or notice authorized by The Official Notices Publication Act or by any other public Act, Regulation or By-Law, or any sign or notice mentioned in The Stallion Act or The Protection of Cattle Act, or other sign or notice similarly contemplated by Statute for the promotion of the public interest;
SECTION SIXTEEN - "J" DISTRICTS

(LIGHT AND LIMITED HEAVY INDUSTRY, ETC.)

16. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "J" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)

INSTITUTIONAL USES

(i) a correctional facility; (9778/62) (69-221) (7252/54)
(7321/54) (92-170) (01-143)

(ia) any emergency medical or surgical use; (01-143)

(ib) a day nursery; (01-143)

RESIDENTIAL USES

(ic) a corrections residence; (01-143)

(id) any residential use as any be sufficient for the necessary maintenance staff of any lawful principal use. (01-143)

PUBLIC USES

(ii) Any public use as permitted in an "I" District, except a private club, a school for the blind or deaf, a lodge and a fraternity or sorority house; (9640/62) (10089/63)

(iii) A city yard, district yard, pound or other public use except a public garbage dump; (9717/62)

COMMERCIAL USES

(iv) Any commercial use as permitted in an "I" District;

(iva) A gun shop; (90-232)

(ivb) A third party/billboard sign in accordance with the provisions of Section 18.(15); (96-092)
(v) Any race track, roller coaster or other place of amusement;

(vi) A dry-cleaning establishment, solid fuel supply yard, or a fuel-oil storage tank or gasoline storage tank; (92-170)

(vii) The storage of raw hides or skins;

(viiia) The storage of scrap metals in containers inside a building; (9016/60)

(viii) A lumber yard, grain elevator, coal elevator, or the storage of second-hand pipe, bricks, lumber or other second-hand building materials, fixtures or appurtenances, but excepting scrap and all such materials which are not in a fit and readily marketable and usable condition for their original purpose; (7152/53)

(ix) A bag or carpet-cleaning establishment, blacksmith shop, spray painting, solid fuel yard, tinsmith shop, welder's shop, tire retreading shop or any other commercial use except: (8836/59) (7152/53)

(a) that an animal hospital, kennel and other premises where animals are commercially kept or raised, including a livery stable and other commercial stable shall be at least 30.0 metres (98.43 feet) from a residential district, but this shall not be construed as limiting the location of a pet shop; (6692/51) (7152/53) (9438/61) (79-288) (80-049)

(b) a motor vehicle wrecking yard, the storage of industrial waste, the storage of second-hand motor vehicle or bicycle parts, tires or accessories or of used motor vehicles not in operative condition, and which are not on the premises of a public garage for repair, or the storage of scrap metal, waste paper, rags, bones, bottles or other such second-hand or salvaged materials or things; (7781/56) (7152/53)

(c) a stock yard; (7152/53)

(d) the storage of celluloid, cellulose, pyroxylin, fireworks, acetylene gas, nitrates or other such highly inflammable or explosive substance, save in retail quantities or less, and lawfully and properly kept in accordance with good practice, and saving also, the storage of gasoline and any other uses specifically permitted as above; (7152/53)

(e) the storage of acid (including hydrogen cyanide), ammonia or other such corrosive or toxic substance, save in retail quantities or less, lawfully and
properly kept in accordance with good practice;

(f) the storage of radioactive materials, save in experimental or medical quantities in a university or hospital in accordance with good practice; and

(g) the privately-operated incineration or dumping of garbage or privately-operated sewage disposal plant, except a septic tank or incinerator merely incidental to a permitted use, and which has received the approval in writing of the Medical Officer of Health and such approval remains unrevoked;

**INDUSTRIAL USES**

(x) Any industrial use as permitted in an "I" District, without the limitation provided in Section 15 (1) (xiv) as to the percentage of floor-area occupied by power-driven mechanical equipment;

(xa) Any industrial use for the sole purpose of the assembly of parts which have been fabricated elsewhere, into a product the manufacture of which is not otherwise permitted under this Section; (9140/60)

**Vegetable Products**

(xi) A tobacco factory, brewery, winery, distillery, bakery, candy kitchen, canning factory, flour or feed mill, vinegar factory, Miscellaneous vegetable food products factory or any other vegetable products plant except:

(a) a vegetable oils plant;

(b) a pea-straw ensilage plant;

(c) rubber or gutta percha manufacture or treatment; and

(d) any other vegetable products manufacture which is an offensive manufacture within the meaning of the Public Health Act:

**Animal Products**

(xii) A dairy products plant, a meat-products plant, a leather factory where no tanning is done, a fur factory where no hair treatment is done, a prepared horn or bone products factory, a rabbit or fowl-killing establishment, an animal food factory, or a fish-packing plant where no
SECTION SEVENTEEN - "K" DISTRICTS

(HEAVY INDUSTRY, ETC.)

27. (1) Subject to the provisions of Sections 3, 18, 18A, and 19, in a "K" District, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, for other than one or more of the following uses, namely: (8158/57) (83-66)

INSTITUTIONAL USES

(i) a correctional facility; (9778/62) (69-221) (7252/54) (7381/54) (01-143)

(ia) any emergency medical or surgical use; (01-143)

(ib) a day nursery; (01-143)

RESIDENTIAL USES

(ic) a corrections residence; (01-143)

(id) any residential use as any be sufficient for the necessary maintenance staff of any lawful principal use. (01-143)

PUBLIC USES

(ii) Any public use as permitted in an "I" District, except a private club, a school for the blind or deaf, a lodge and a fraternity or sorority house; (9640/62) (10089/63)

(iii) A public garbage dump, public incinerator, or other public use;

COMMERCIAL USES

(iv) A lumber yard, salvage yard, stock yard, fuel storage tank, spray paint shop or any commercial use permitted in a "J" District; (9057/60)

(iva) A Class H Adult Entertainment Parlour; (07-306)
SECTION EIGHTEEN - SUPPLEMENTARY
REQUIREMENTS AND MODIFICATIONS

(SUPPLEMENTARY USE REQUIREMENTS)

18. (1) Notwithstanding the provisions of Sections 3 to 17 inclusive, no
land, building or structure shall be used in the area covered by
this By-Law for any commercial or industrial purpose likely to
create danger to health or danger from fire or explosion and
specified following, namely; (8556/59) (92-170)

PUBLIC USES

(i) A public garbage dump;

COMMERCIAL USES

(ii) A stock yard;

(iii) The storage of celluloid, cellulose, pyroxylin,
gasoline, fireworks, acetylene gas or other such highly
inflammable or explosive substance, save in retail
quantities or less, lawfully and properly kept in
accordance with good practice;

(iv) Storage of acid (including hydrogen cyanide), ammonia,
or other such corrosive or highly toxic substance, save
in retail quantities or less, lawfully and properly kept
in accordance with good practice;

(v) Garbage incineration or dumping on a commercial basis,
the storage of raw hides or skins, or any other use that
may be an offensive trade, business or manufacture
within the meaning of The Public Health Act or
regulations thereunder, or any other use which may be
obnoxious by reason of the emission of odour, dust, gas,
fumes, noise or vibration;

INDUSTRIAL USES

Animal Products

(vi) An animal by-products plant, an abattoir or slaughter
house for other than the killing of rabbits or poultry,
Excerpt from City of Stoney Creek
Official Plan, Office of Consolidation,
June 2006

(h) Public Street;
(i) Sewage Pumping Stations;
(j) Traffic Sign, Signal or any sign or notice of any local or other
government department or authority, or any sign erected in accordance
with the provisions of the City of Stoney Creek Sign By-law;
(k) Utilities including the erection of buildings or structures or the
installation of other facilities essential to the operation of public utilities
as defined in the Public Utilities Corporation's Act, R.S.O. 1990, c.P.52;
(l) Tourist Information Centres provided that any such use, building or
structure shall be in substantial compliance with the relevant
provisions of this By-law and shall not adversely affect the character
or amenity of the neighbourhood in which same is located;
(m) Wayside Pits; or
(n) Private Home Day Care in any zone which permits a single detached
dwelling unit.

SECTION 4.18 USES PROHIBITED IN ALL ZONES

4.18.1 General Prohibition

All uses of land and the erection or use of any building or structure for a purpose
not included within the provisions of the "Permitted Uses" section of each zone
established in this By-law are prohibited in said zone, save and except for those
uses of land and the erection or use of any building for a purpose permitted in
accordance with any of the applicable provisions of this By-law.

4.18.2 More Than One Dwelling

Except as specifically provided elsewhere in this By-law, no person shall
erect, alter, locate or use for residential purposes any building upon any lot
whereon there then exists, or is in the course of construction, or for which a
building permit has been issued by the Corporation, a building erected or
used or intended to be used for residential purposes.
4.18.3 **Vehicles**

No truck, bus, coach, streetcar body or vehicle, air or watercraft of any kind shall be used as a dwelling unit, except for recreational purposes, within the defined area, whether or not the same is mounted on wheels. In addition, the abandonment on any land of the following is strictly prohibited: a railroad car, streetcar body, truck body, bus, truck, coach, trailer, farm tractor or farm implement.

4.18.4 **Pits and Quarries**

The making or establishment of pits and quarries, except wayside pits, is prohibited within the Defined Area except in an Extractive Industrial “ME” Zone.

4.18.5 **Obnoxious Uses**

**By-law 5068-00**

Notwithstanding any other provision in this By-law, uses which are obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste are expressly prohibited.

4.18.6 **Agricultural Uses**

Notwithstanding any other provision in this By-law, the following uses are expressly prohibited throughout the Defined Area:

(a) Boiling of blood, bone, soap, tripe or similar products;
(b) Commercial Composting;
(c) Commercial Stockyard;
(d) Tannery or related storage unless accessory to a farm operation on the same lot;
(e) New Abattoirs unless accessory to a farm operation on the same lot;
(f) Commercial Manufacturing of Fertilizers from dead animals or human waste; and
(g) Tallow Melting unless accessory to a farm operation on the same lot.
7.1.5 Special Exemptions

ND - 1 Lot 18, Broken Front Concession, Cherry Beach Road, East of Millen Road, North of the North Service Road, Schedule "A", Map No. 1

Notwithstanding the provisions of Section 7.1.2 of the Neighbourhood Development "ND" Zone, on those lands zoned "ND-1" by this By-law, no additions shall be permitted to any dwelling with frontage on the private roads.

ND - 2 1348 Barton Street, Schedule "A", Map No. 9

Notwithstanding the uses permitted in paragraph (b) of Section 7.1.2 of the Neighbourhood Development "ND" Zone, on those lands zoned "ND-2" by this By-law, one single detached dwelling and accessory buildings and structures may be permitted in accordance with Section 5.4.3, Zone Regulations, and 5.4.6, Regulations for Accessory Buildings, of Section 5.4, Rural Residential "RR" Zone.

ND - 3 West of First Road West, North of Mud Street West, Schedule "A", Map No. 11

In addition to uses permitted in Section 7.1.2 of the Neighbourhood Development "ND" Zone, those lands zoned "ND-3" by this By-law may also be used for operations associated with the disposal of solid non-hazardous waste from industrial, commercial and institutional sources as approved in a provisional certificate of approval issued by the Ministry of Environment and Energy, pursuant to the Environmental Protection Act, R.S.O. 1990, c.E.19.
PART 9

and minimum loading requirements shall be as existing the day of the passing of this By-law."

Any additions to an existing building or new buildings must comply with the "MP" Zone Regulations of Section 9.3.3.

MP - 12  144-190 South Service Road (Unit 168), Schedule "A", Map No. 1

Notwithstanding the uses permitted in Section 9.3.2 of the Preferred Industrial "MP" Zone, on those lands zoned "MP-12" by this By-law, a waste transfer station, having an area no larger than 175 square metres, shall be permitted for storage of non-hazardous waste.

(Next page is IND-13)
PART 9

INDUSTRIAL ZONES

MBP - 1  Lands located on the Northeast Corner of Fruitland Road and the Canadian National Railway Line, Schedule "A", Map No. 2

Notwithstanding the uses permitted in Section 9.7.2 of the Business Park Industrial "MBP" Zone, those lands zoned "MBP-1" by this By-law may only be used for a motor vehicle dealership in accordance with the provisions of Section 8.1.6, a motor vehicle repair garage and a motor vehicle service station in accordance with the provisions of Section 8.1.5.

MBP -2(H)  Lands located on the Southeast Corner of Fruitland Road and the Queen Elizabeth Way, Schedule "A", Map No. 2

Notwithstanding the uses permitted in Section 9.7.2 of the Business Park Industrial "MBP" Zone, those lands zoned "MBP-2(H)" by this By-law shall be used only for uses existing on the date of the passing of this By-law until such time as an environmental report which indicates that it is environmentally sound to develop any of the permitted uses on the site has been approved by the Corporation.

SECTION 9.8  EXTRACTIVE INDUSTRIAL "ME" ZONE

9.8.1  Scope

No person shall within any Extractive Industrial "ME" Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

9.8.2  Permitted Uses For Each Lot

(a) Accessory dwelling associated with a licensed pit or quarry
(b) Agricultural Uses
(c) Business Offices accessory to a permitted use
(d) Forestry Uses
(e) Parking Lots
(f) Pits and Quarries but not including waste disposal operations
(g) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations related to an extractive
PART 9

INDUSTRIAL ZONES

industrial operation

(h) Retail and wholesale facilities accessory to an extractive industrial operation

9.8.3 Zone Regulations

(a) Minimum Lot Area - 5 hectares
(b) Minimum Lot Frontage - 50 metres
(c) Minimum Building Setbacks
   1. 30 metres from any lot line.
   2. 90 metres from any lot used for residential purposes.
   3. 30 metres from any lot line abutting a street.
   4. 28.5 metres from the centre line of a Regional Road.
   5. 64 metres from the centre line of a Provincial Highway.
(d) Minimum Yard Requirements - No pit, quarry or excavation shall be made or established within
   1. 15 metres of any lot line.
   2. 30 metres of any lot used for residential purposes.
   3. 30 metres of any lot line abutting a street.
   4. 20 metres of the centre line of a Regional Road.
   5. 64 metres of the centre line of a Provincial Highway.
(e) Outside Storage - Outside storage of materials other than overburden shall not be permitted within 30 metres of any lot line or within 90 metres of any dwelling.
(f) Fencing of Excavations - An open excavation shall be fully encircled by a continuous fence or other barrier not less than 2.5 metres in height.

9.8.4 Regulations for Parking Lots (By-law 4334-96)

Parking lots are permitted in accordance with Section 9.1.8.

9.8.5 Special Exemptions

ME - 1 297 Upper Centennial Parkway, Schedule "A", Map No. 11

In addition to the uses permitted in Section 9.8.2 of the Extractive Industrial
PART 9

INDUSTRIAL ZONES

"ME" Zone, those lands zoned "ME-1" by this By-law may also be used for operations associated with the disposal of solid non-hazardous waste from industrial, commercial and institutional sources as approved in a provisional certificate of approval issued by the Ministry of Environment and Energy pursuant to the Environmental Protection Act, R.S.O. 1990, c.E.19.

SECTION 9.9 RURAL INDUSTRIAL "MR" ZONE

9.9.1 Scope

No person shall within any Rural Industrial "MR" Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

9.9.2 Permitted Uses For Each Lot

(a) Agricultural Uses, save and except, buildings or structures for human habitation
(b) Agricultural Research
(c) Animal Hospitals or Shelters and accessory dwelling units
(d) Farm Implement Sales and Service
(e) Industrial Uses pertaining to the manufacturing, processing, wholesaling, warehousing or storage of agricultural products or farm supplies provided that such uses are not obnoxious by reason of the emission of odour, dust, smoke, gas, fumes, noise, cinders, vibration, refuse matter or water-carried waste, and uses accessory thereto save and except those for human habitation

By-law 4334-96

(f) Parking Lots

9.9.3 Zone Regulations

(a) Minimum Lot Area - 1 hectare
(b) Minimum Lot Frontage - 60 metres
(c) Maximum Lot Coverage - 50 percent
(d) Minimum Front Yard - 15 metres
(e) Minimum Side Yard - 4.5 metres except 9 metres for a flankage yard
11.3.4 Regulations For Parking

(a) Parking spaces shall be required in accordance with Section 4.10.

(b) For those uses not specified in Section 4.10, a minimum of one parking space per 28 square metres of gross floor area shall be required.

(c) Parking shall be allowed within any required yard provided that no parking area is located within 7.5 metres of a lot line.

11.3.5 Special Exemptions

IR - 1 Battlefield Park, Schedule "A", Map No. 5

Notwithstanding the uses permitted in Section 11.3.2, the use of those lands zoned "IR-1" by this By-law, shall be limited to recreational and cultural uses, a conservation area, a public park, archeological/historical activities, special events, visitor's services including but not limited to gift shops, washrooms, and restaurants and uses, structures and buildings accessory thereto. Single detached dwellings and accessory structures are permitted in accordance with the regulations of Section 6.3 of this By-law.

IR - 2 Northwest Corner of Mud Street West and First Road West, Schedule "A", Map No. 11

In addition to the uses permitted in Section 11.3.2 of the Intensive Recreation "IR" Zone, those lands zoned "IR-2" by this By-law may also be used for operations associated with the disposal of solid non-hazardous waste from industrial, commercial and institutional sources as approved in a provisional certificate of approval issued by the Ministry of Environment and Energy pursuant to the Environmental Protection Act, R.S.O. 1990, c.E.19.

IR - 3 166 Green Mountain Road East, Schedule "A", Map No. 17

Notwithstanding the uses permitted in Section 11.3.2 of the Intensive Recreation “IR” Zone, those lands zoned “IR-3” by this By-law shall only be used for a private club and any recreational or cultural uses associated with
APPENDIX E
City of Hamilton Interim Control By-law
CITY OF HAMILTON

BY-LAW No. 08-104

To Establish Interim Control Zoning Respecting the following industrial zoned lands within the City of Hamilton: Hamilton: J, JJ, K, KK, L-i, M-11, M-12, M-13, M-14, M-15; Dundas: LL, I.G, ILS; Flamborough: M1, M2, M3, EI; Stoney Creek: MS, MP, MT, MG, MSP, MBP, ME, MR; Glanbrook: M1, M2, M3, M4, M5, M6, M7, M8; Ancaster: M1, M2, M3, M4, M5, M6, save and excepting those lands indicated on Schedule “A” to By-law 06-028, known as the West Hamilton Innovation District, and save and excepting those lands indicated on Schedule “A” to By-law 04-054, known as the Barton Street and Tiffany Street Industrial Area, and save and excepting those lands more particularly referenced herein

WHEREAS subsection 38 of the Planning Act, R.S.O. 1990 c.P. 13 as amended permits Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the Planning Act, R.S.O. 1990 c.P. 13 as amended provides as follows:

38. (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);
AND WHEREAS a land use study is necessary in order to determine the appropriate policies for the location of private waste disposal sites or the expansion of existing private waste disposal sites within the City of Hamilton;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. It is hereby directed that a planning study be undertaken in respect of the land use policies for the location of private waste disposal sites or the expansion of existing private waste disposal sites within the City of Hamilton.

2. Except for such lawful uses as the land is being used on the date of passing this by-law, no person shall use any land, building or structure in the following industrial zones of the City of Hamilton: Hamilton: J, JJ, K, KK, L-I, M-11, M-12, M-13, M-14, M-15; Dundas: I-L, I-G, I-L; Flamborough: M1, M2, M3, EI; Stoney Creek: MS, MP, MT, MG, MSP, MBP, ME, MR; Glenbrook: M1, M2, M3, M4, M5, M6, M7, M8; Ancaster: M1, M2, M3, M4, M5, M6, for the establishment of any new private waste disposal site or the expansion of an existing private waste disposal site in accordance with the exceptions included in this by-law.

3. This By-law shall not apply to those lands indicated on Schedule "A" to By-law 06-028, known as the West Hamilton Innovation District.

4. This By-law shall not apply to those lands indicated on Schedule "A" to By-law 04-054, known as the Barton Street and Tiffany Street Industrial Area.

5. This By-law shall not apply to those lands for which any application for a Part V Certificate of Approval for a waste disposal site has been filed with the Ministry of the Environment prior to the date of the passing of the Interim Control By-law.

6. This By-law shall be in effect for a period of one year from the date of passing this by-law.

7. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 23rd day of April, A.D. 2008.

[Signatures]

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

CERTIFIED A TRUE COPY

KEVIN C. CHRISTENSON, CITY CLERK
CITY OF HAMILTON
Appendix "A" to Report PED08064(a)
Page 102 of 173

Authority: Item 17, Economic Development and Planning Committee
Report: 08-008 (PED08126)
CM; May 14, 2008

Bill No. 117

CITY OF HAMILTON

BY-LAW NO. 08-117

To clarify the specificity of the land uses subject to Interim Control Zoning
By-law No. 08-104

WHEREAS subsection 38 of the Planning Act, R.S.O. 1990 c.P. 13 as amended permits Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the Planning Act, R.S.O. 1990 c.P. 13 as amended provides as follows:

38. (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

AND WHEREAS the Council of the City of Hamilton passed Interim Control By-law No. 08-104 on the 23rd day of April, 2008;

AND WHEREAS the Council of the City of Hamilton wishes to clarify the specificity of the lands uses subject to Interim Control By-law No. 08-104;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 08-104 is hereby amended to include item 5a) as follows:

For the purposes of this By-law, "Waste Disposal Site" is defined as follows:
Any non-municipal land, building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, excluding all cases where concrete exists on site and is to be processed for construction on the same lands.

2. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 14th day of May, A.D. 2008.

[Signatures]

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk

CERTIFIED A TRUE COPY

KEVIN C. CHRISTENSON, CITY CLERK
CITY OF HAMILTON
APPENDIX F
Ontario Municipalities with Private Waste Site Specifications in their Official Plans
# Ontario Municipalities with Private Waste Site Specifications in their Official Plans

<table>
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<th>Requirements</th>
<th>Matters to be Addressed</th>
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<tr>
<td>District of Muskoka</td>
<td>New private tire disposal sites and hazardous waste sites will not be permitted in Muskoka. Tire transfer sites will only be permitted where they are ancillary to a tire retailing operation located on the site. The establishment of other types of private waste disposal sites will be discouraged. However, where an application for a new waste disposal site has been received, the following review process will be implemented: a) Where a site is over 2.5 ha or includes ignitable waste a District Official Plan Amendment is required. b) Where a site is 0.4 ha to 2.5 ha, a local Official Plan Amendment is required. c) Where a site is less than 0.4 ha, a local approval process that includes a public review will be required. In addition, new private waste disposal sites with outside storage or fill areas will only be permitted in the Rural Designation.</td>
<td>The following are minimum standards for the location of new private solid waste disposal sites: a) The site will not be subject to flooding and will be located so that no direct drainage leads to a watercourse. b) Drainage from the site that may cause pollution will not be discharged into any watercourse or leach into the groundwater. c) Drainage from the site will not adversely affect adjoining property owners and natural drainage will not be obstructed. d) The site will be at least 500 metres from any watercourse. e) The site will not be located on fractured bedrock without appropriate mitigating measures to ensure the long term protection of the groundwater in the area. f) Access roads and on-site roads will be provided so that vehicles hauling waste to and on the site may travel readily on any day under normal weather conditions. g) A green belt or natural zone will be provided around the site and the site will be screened from public view. h) The site will be at least one kilometre form the nearest residential dwelling and at least 500 metres from the nearest public road. i) Emergency services can access all portions of the site effectively and efficiently.</td>
<td>In reviewing a new solid waste disposal site the following matters, among others, will be addressed on site and in the surrounding area to the satisfaction of the approval authority: a) Compatibility with surrounding uses; b) Geologic, biologic and hydrologic conditions and suitability; c) Location, condition, traffic and loading capacity of haul routes; d) Progressive rehabilitation sequences during the life cycle of the site including after active use management and use; e) Buffering, screening and security of the site; f) Monitoring program for on-site impacts with a mitigation plan to address potential problems; and g) Posting of performance securities.</td>
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<tr>
<td>Wellington County</td>
<td>The County of Wellington operates a multi-material blue box recycling program and intends to be involved in efforts to reuse and recycle materials so that they are diverted from the waste stream. Active sanitary landfill sites are identified in this Official Plan. Recycling, waste reduction, waste transfer stations, and similar waste management facilities may be permitted in addition to waste disposal activities.</td>
<td>New recycling facilities require the approval of the County of Wellington by resolution.</td>
<td>The expansion of waste disposal sites involving the use of new lands or the development of new sites will require an amendment to this Plan as well as appropriate provincial environmental approvals. The expansion of the capacity of any waste management disposal site or the development of new waste management capacity requires the approval of the County of Wellington by resolution.</td>
</tr>
<tr>
<td>Ottawa</td>
<td>Solid Waste Disposal Sites are landfills, incinerators 1. Solid Waste Disposal Sites are designated on Schedules A and B in order to</td>
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June 10, 2008
Ontario Municipalities with Private Waste Site Specifications in their Official Plans

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<tr>
<td></td>
<td>recognize their function and their potential impact on surrounding land uses.</td>
<td>2. The City will require an official plan amendment for the establishment of any new Solid Waste Disposal Site. The City will evaluate applications based on the following: a. The proponent has prepared a terms of reference under the Environmental Assessment Act considering such items as the: ii. Potential impact on the City’s commitment to waste reduction, reuse and recycling, vii. The end use of the facility;</td>
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<td>and any other facilities providing for the long-term storage or destruction of municipal solid waste. Composting, recycling and transfer facilities are considered processing operations. In addition to operating its own facilities, the City has jurisdiction in regards to consents for private waste management and waste disposal facilities. The City’s criteria in granting consents for these facilities include an assessment of the impact on landfill capacity in Ottawa and consistency with the Reduce, Reuse and Recycle (3R) Plan.</td>
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<td>recognize their function and their potential impact on surrounding land uses.</td>
<td>2. The City will require an official plan amendment for the establishment of any new Solid Waste Disposal Site. The City will evaluate applications based on the following: a. The proponent has prepared a terms of reference under the Environmental Assessment Act considering such items as the: ii. Potential impact on the City’s commitment to waste reduction, reuse and recycling, vii. The end use of the facility;</td>
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2. The City will require an official plan amendment for the establishment of any new Solid Waste Disposal Site. The City will evaluate applications based on the following:

a. The proponent has prepared a terms of reference under the Environmental Assessment Act considering such items as the:
   i. Rationale for the undertaking,
   ii. Potential impact on the City’s commitment to waste reduction, reuse and recycling,
   iii. Potential community, public health, transportation, environmental, visual, financial and land use impact of the facility,
   iv. Use of mitigation measures, such as buffers and setbacks, to address potential land-use conflicts,
   v. Potential impacts and mitigation measures related to air traffic,
   vi. Environmental monitoring of the facility,
   vii. The end use of the facility;

b. Compliance with a Terms of Reference approved by the Minister of the Environment and Energy under the Environmental Assessment Act;

c. Does not duplicate the requirements of the Environmental Assessment Act.

3. The zoning by-law will restrict the location of Solid Waste Disposal facilities to specific sites.

4. Expansion of existing designated sites will require a zoning by-law amendment. The City will consider the amendment based on the criteria listed in policy 2 above.

5. Development proposals within 500 metres of an active waste disposal site, or other appropriate influence area, must demonstrate that the landfill will not have an impact on the proposed use and that there will be no impacts from the proposed use on continuing landfill operations (e.g., a use that would have the potential of impacting the water table). Development proposals within 500 metres of an active landfill site must also comply with policy 4.8.4 on contaminated sites; development proposals within 500 metres of a former landfill site must comply with policy 4.8.5. [Ministerial Modification 31, November 10, 2003]

6. In considering development proposals within the influence area, the City will be guided by the nature of the land use and will generally consider compatible uses without the need for a study. Compatible uses include utilities, waste-processing facilities, above-grade transportation routes, forestry activities, and gravel pits, quarries and other mining activities, provided that the landfill water table is not affected.

7. Uses for which a study may be required include those accommodating people or agricultural uses that include animal husbandry. The study will address the following: landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other emissions, fires, surface runoff and vectors and vermin. Particular attention will be given to the production and migration of methane gases.
## Ontario Municipalities with Private Waste Site Specifications in their Official Plans

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| Milton                | The Town supports local and Regional efforts to promote the principles of reduce, reuse and recycle including the recycling of aggregate wastes (including used concrete and used asphalt) and solid wastes. Small-scale household composting will be encouraged subject to the Town’s Zoning By-laws. The Town shall permit collection for recycling and reuse in all land use designations subject to approval of the specific location of Council. Businesses will be encouraged to develop safe, cost-effective and new methods of waste management and disposal in order to maximize the long-term operational life span of the landfill site. Agricultural operations will be permitted to compost on-farm produced organic material for their own farming use up to 75 tonnes per hectare per annum in cultivation provided that the Town’s Property Standards and Zoning By-laws are maintained. | Private waste composting of organic material will be permitted in an industrial land use designation subject to all of the following:  
   a) The operations must be in-vessel or in-building without outdoor storage;  
   b) The operations will use the most current technology available to minimize the emission of odours and other emissions;  
   c) The operator shall at all times retain or employ properly trained staff;  
   d) The site of the operations shall be subject to Site Plan Control; and,  
   e) The operations shall be in compliance with the requirements, as they may exist from time to time of the appropriate permissions granted under the Environmental Protection Act or its equivalent and such other bylaws of the Towns as may be applicable including any Site Plan Agreement. Waste Management and Disposal enterprises dealing with the recycling of paper, wood and inorganic waste will be permitted in an Industrial designation subject to:  
   a) No chemical processing including bleaching or diluting;  
   b) Low water usage;  
   c) The specific sites are large enough to permit adequate landscaping, buffering of outside storage and operations;  
   d) Site plan approval which addresses:  
   e) Full screening of outside storage;  
   f) Organization of outside storage to limit heights of what can be seen and breaks to prevent fire hazards, and,  
   g) The operation conforming to all other Town, Region and the appropriate Ministry requirements and by-laws. | Notwithstanding the policies of subsection 2.6.3.52, management and disposal of the following specific waste will be subject to a site-specific Official Plan Amendment and Zoning By-law Amendment, including:  
   a) Paper and wood waste except as provided in subsection 2.6.3.52 of this Plan;  
   b) Inorganic waste except as provided in subsection 2.6.3.52 of this Plan;  
   c) Composting of organic material except as provided in subsections 2.6.3.48 and 2.6.3.51 of this Plan;  
   d) Chemical/medical waste, radioactive waste, or other material generally considered hazardous;  
   e) Recycling of aggregate wastes including used asphalt and used concrete outside of a site designated "Mineral Resource Extraction Area: as shown on Schedule “A” of this Plan; and,  
   f) Asphalt and concrete batching plants. |
| County of Oxford      | Consider innovative private sector waste management projects and programs to divert recyclable, organic and recoverable materials from the County landfill site, including appropriate waste reduction and material recovery practices. The County of Oxford will require an amendment to this Plan to establish any new landfill facilities in the County or to expand the existing County landfill site. The policies and use restrictions of Section 3.2, Environmental Resource Policies, shall apply to the siting of new or expanding landfill sites. | Prior to supporting an amendment to this Plan to establish or expand a landfill site, the County will be satisfied that the proposal is consistent with the principles, objectives and policies of this Plan. The proposal will demonstrate compliance with the provisions and approval requirements of the Environmental Assessment Act and other relevant Provincial legislation. The County will be satisfied that the examination of the alternative sites, site selection, landfill design and operations and after-use planning meets the following criteria:  
   1. The waste is managed in an effective and economical manner;  
   2. Adverse effects on agriculture, mineral and petroleum resources are minimized;  
   3. The potential for production of off-site ground and surface water pollution is minimized through hydrological and hydrogeological analyses;  
   4. Negative effects on the natural environment are minimized;  
   5. Adverse effects to individuals and communities are minimized; and  
   6. After-use plans are compatible with surrounding planned land use. | Area municipalities and the public shall be invited to participate in the examination of alternative sites, site selection, design, operations and after-use planning or landfill sites prior to adoption of any Official Plan amendment. New or expanding landfill sites shall be appropriately zoned in accordance with the provisions of the Area Municipal Zoning By-law. In reviewing an application to amend the Official Plan to provide for a new or expanded landfill site, the County may require submission of such information, studies and documentation deemed necessary to address the siting requirements of this Plan in order to enable Councils to make an informed decision. Such information/documentation shall be prepared at the expense of the proponent. The County shall consult with Provincial Ministries, the Area Municipality or any other agency or body or qualified individual deemed appropriate and necessary for the purpose of evaluating a proposal for a new or expanding landfill site and the supporting information/documentation required by the policies of this Plan. Any costs resulting from such consultation will be charged to the proponent as part of the fee structure for the development review process. |

June 10, 2008
## Ontario Municipalities with Private Waste Site Specifications in their Official Plans

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<td>Clarington</td>
<td>New waste disposal sites and/or the expansion or increase in capacity of waste disposal sites are not permitted within any land use designation without an amendment to this Plan. An application to designate lands for a new waste disposal site and/or expand or increase the capacity of a waste disposal site shall be accompanied by reports which address the requirements of Section 4.4.37 a) to g) of the Plan, the impact on surrounding residents including traffic, noise and dust, and the financial implications for the Municipality. These studies shall be subject to peer review under Section 4.7.3. The Municipality supports a waste management strategy that emphasizes the 3Rs of reuse, reduce, and recycle. Waste processing facilities and waste transfer stations may be permitted in the General Industrial designation in accordance with Section 11.7.5. Notwithstanding the provisions of Section 4.7, waste processing facilities for non-toxic materials such as paper, glass, metal, construction waste and plastics, may be permitted by site-specific zoning within the General Industrial Areas, provided that the operation is wholly enclosed within a building or structure. Waste transfer stations may be permitted by site specific zoning provided it is integrated and part of a waste processing facility. Outside storage may be permitted in accordance with Section 11.7.3, provided that processed or unprocessed waste is wholly</td>
<td>Proposals for new or expanding facilities will satisfy the following requirements:</td>
<td>In addition to the policies of this Section, the following policies also apply for facilities treating, storing or disposing of hazardous waste:</td>
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<td>A site specific amendment to the Zoning By-Law;</td>
<td>The facility will be located in accordance with the policies and use restrictions of Section 3.2, Environmental Resource Policies;</td>
<td>The facility will be located in accordance with the policies and use restrictions of Section 3.2, Environmental Resource Policies;</td>
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<td>Confirmation from the Ministry of the Environment that the requirements for certification under Provincial legislation have been met; and</td>
<td>A plan of operations and disclosure report shall be submitted with the application to demonstrate that the facility is designed to minimize danger to the surrounding area from fire, spills or other operational accidents;</td>
<td>A plan of operations and disclosure report shall be submitted with the application to demonstrate that the facility is designed to minimize danger to the surrounding area from fire, spills or other operational accidents;</td>
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<td></td>
<td>The proposal will be subject to Site Plan Control pursuant to the Planning Act. Site Plan design will address the following matters:</td>
<td>An emergency response plan for the facility is prepared that is satisfactory to the County and the Area Municipality which includes notification, containment and evacuation procedures to be used in the case of an accidental release.</td>
<td>An emergency response plan for the facility is prepared that is satisfactory to the County and the Area Municipality which includes notification, containment and evacuation procedures to be used in the case of an accidental release.</td>
</tr>
<tr>
<td></td>
<td>o Perimeter fencing and landscape buffering will be provided to secure the site and to visually enhance the aesthetics of the site;</td>
<td>o Controlled access to the site;</td>
<td>o Controlled access to the site;</td>
</tr>
<tr>
<td></td>
<td>o Lot grading and drainage plans for the adequate disposal of storm, surface and waste water;</td>
<td>o Adequate on-site vehicle staging areas for collection vehicles and trailers where appropriate; and</td>
<td>o Adequate on-site vehicle staging areas for collection vehicles and trailers where appropriate; and</td>
</tr>
<tr>
<td></td>
<td>o Prevailing winds and sight lines will be considered to obscure views of operations and to minimize the effects of on-site activity on adjacent uses and those in the vicinity.</td>
<td>o Prevailing winds and sight lines will be considered to obscure views of operations and to minimize the effects of on-site activity on adjacent uses and those in the vicinity.</td>
<td>o Prevailing winds and sight lines will be considered to obscure views of operations and to minimize the effects of on-site activity on adjacent uses and those in the vicinity.</td>
</tr>
</tbody>
</table>

Where the proponent of an application to establish, expand or increase the capacity of a waste disposal site has submitted studies to the Province, the Region or the Municipality, Council shall select and retain qualified consultants to undertake a peer review of such studies to ensure that the requirements of Section 4.7.2 are satisfactorily addressed. The expense of the peer review shall be borne by the proponent. Where appropriate, the undertaking of the peer review shall be co-ordinated with the Region.

Appendix "A" to Report PED08064(a)
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June 10, 2008
Ontario Municipalities with Private Waste Site Specifications in their Official Plans

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Private Waste Policies</th>
<th>Requirements</th>
<th>Matters to be Addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Municipality of Durham</td>
<td>For the purpose of this Plan, waste includes ashes, garbage, refuse, domestic waste, industrial waste or municipal refuse and such other wastes as designated under the Environmental Protection Act. Waste disposal site means any land or building or structure in which waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste.</td>
<td>The establishment of new waste disposal sites, or the expansion, or increase in capacity of existing waste disposal sites, shall require an amendment to this Plan. However, this provision shall not apply to sites and facilities used exclusively for the composting of materials, such as, leaves and brush, provided that such sites are located in appropriate locations, meet the provisions of Policy 2.3.9, and are zoned in the zoning by-law in a special category for that use. An amendment to this Plan shall not be required for the establishment of waste disposal sites which have an equivalent in nature and quantity to the domestic waste of less than 1,500 persons, provided that such sites meet the provisions of Policy 2.3.10 and are zoned in the zoning by-law in a special zoning category for that use. In the consideration of development applications for waste disposal sites, Regional Council shall take into account: a) the principle of reduction, re-use and recycling of waste; b) alternative solutions for waste disposal; c) the impact of the proposal on the environment, the health of surrounding residents, the Transportation System and existing and future surrounding land uses; and d) financial implications to the Region.</td>
<td>An application to amend this Plan in accordance with Policy 2.3.8 for waste disposal shall be accompanied by reports addressing the matters in Policy 2.3.9. Prior to the consideration of an amendment to this Plan for the purposes of establishing a new waste disposal site or expanding or increasing the capacity of an existing site, Regional Council shall select and retain a qualified consultant or consultants to conduct a peer review of the reports submitted in accordance with Policy 2.3.10. The proponent shall bear the costs of the peer review, which shall be reasonable. Regional Council shall request the Provincial Government to assist in identifying active and former domestic and industrial waste disposal sites, determining the health risks associated with such sites and establishing decommissioning programs. Area municipal official plans shall be required to identify all such known sites for information purposes only and establish appropriate policies dealing with lands in the vicinity, taking into consideration decommissioning considerations and the designations in this Plan.</td>
</tr>
</tbody>
</table>
### Ontario Municipalities with Private Waste Site Specifications in their Official Plans

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Private Waste Policies</th>
<th>Requirements</th>
<th>Matters to be Addressed</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Nippissing</td>
<td>Existing active or new sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. New sites shall be located only where they are compatible with adjacent land uses (existing and designated). Site development shall make provision for the progressive rehabilitation and reuse of the site. Existing, active or new waste disposal sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals including a valid Certificate of Approval. New sites and sites for septage disposal will require an amendment to this Plan and the zoning bylaw and will require approval under the Environmental Protection Act before an amendment is considered. Provincial and municipal approvals will be required for the hauling and disposal of waste materials and sewage and septage. Prohibited wastes shall include nuclear wastes, hazardous or pathological wastes. Sites may include transfer sites used for the temporary storage of waste materials. The Municipality should monitor the impact of sites to ensure that there are no off-site adverse impacts (see also Section 3.06.6.5).</td>
<td>Waste management systems may include facilities for recycling, composting, hazardous waste control, transfer sites and ancillary activities operated in accordance with a valid Certificate of Approval. New sites, sites for septage disposal and transfer stations will require an amendment to this Plan and will require approval under the Environmental Protection Act before an amendment is considered. The (MOE) guideline “Land Use On or Near Landfills and Dumps” shall be used as a guide when assessing land use on or near any open or closed landfill site which contains municipal solid waste, industrial solid waste and/or sewage sludges or septage. Separation distances will apply on a reciprocal basis for existing sensitive land uses.</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX G

Steering Committee Workshop Materials
INTRODUCTION

This Agenda document has been prepared to guide discussions at the April 14th Steering Committee working session on Planning Priorities and Preferences related to Private Waste Management Facilities in the City of Hamilton. To organize and prompt discussion we have included in this document an outline of key issues and considerations related to the siting of waste management facilities. This information is based on Jacques Whitford’s direct experience in siting waste management facilities and our knowledge of siting issues and considerations in other jurisdictions. Throughout the working session input and comment will be sought from the Steering Committee on the materials that follow to help the consultant team move forward with the preparation of planning alternatives and policy recommendations that reflect conditions in the City of Hamilton. From our study work plan, the purpose of the study is as follows:

.....to undertake a planning review of issues associated with the establishment of private waste management sites in the City, to identify alternative strategies to address the issues, and to recommend a preferred strategy with direction on required Official Plan policies, zoning regulations, and other City approvals such as site plan approvals. The study will balance the consideration of economic, environmental and social implications and will define the range of land uses that should be addressed by policies and regulations resulting from this study.

Organization of Session

The session will be run in a workshop type environment with the Steering Committee divided into two working groups. Each group will have a facilitator and note keeper provided by the consultant team. For this session they are:
Facilitators
Jim Mckay
David Payne

Notekeepers
Kerrie Skillen
Lindsay Frith

It is intended as each group works through the subject matter that the opportunity for questions, comments and input remain open and that each group member will participate and provide input relative to your respective interests. In addition, we have embedded some questions in the materials that could be used to prompt the discussions along. We have allotted approximately two hours for the groups to work through the materials and it will be the mandate of the facilitator to pace the discussions accordingly.

Following the working session, we will compile the notes taken for each group and report back to the Steering Committee with our findings at a subsequent meeting.

OVERVIEW OF DISCUSSION TOPICS

The subject matter for discussion has been organized into three relatively broad questions to consider:

1. What is the definition of waste for the purpose of determining those uses and applications which may be affected by the outcome of this study?

2. What are the various types of waste management facilities that could seek to be located in the City of Hamilton?

3. What features of the various waste management facilities are of key consideration to the development of planning policy and land use designations?

Below, we have expanded on the scope of considerations under each question and have provided some of our suggested responses. As mentioned above, we have also embedded some additional questions to prompt discussion on some more specific considerations.
1. WHAT IS WASTE?

In practice, the waste management industry has organized itself in a manner that deals with waste defined under several categories or classifications:

- **Non-hazardous** waste is defined in the industry as wastes that do not meet the definition of hazardous waste.

Under the non-hazardous category, the industry may manage various streams of waste materials:

- **Municipal** waste is defined as waste collected by or on behalf of municipalities.

- **Residential** wastes are defined as wastes generated by households.

- **Industrial, Commercial & Institutional (IC&I)** wastes are defined as wastes generated by businesses and industrial operations, schools, hospitals, government buildings.

- **Hazardous** waste is defined in the industry as materials that can pose a substantial or potential hazard to human health or to the environment when improperly managed. These materials possess poisonous, corrosive, explosive, and/or flammable properties.

Under the hazardous category, the industry typically manages the following sub-categories or types of waste materials:

- **Household Hazardous** wastes are defined as the residual of products used in the home which have hazardous waste properties. They must exist in small quantities to be managed by municipal household hazardous waste programs.

- **Industrial Hazardous** wastes are defined as wastes generated by the manufacturing of goods which have hazardous waste properties.

- **Bio-Medical** wastes are defined as wastes generated by human or animal health care; medical or veterinary research; medical, veterinary, and health care teaching facilities; funeral establishments; laboratories and other facilities.

Seriously! This is the approach taken by the waste management industry in Ontario. Typically though, the sub-categories that follow are considered non-hazardous for the purpose of approvals and licensing.
Other categories of waste often referenced by the waste management industry and that typically cross-over with the above definitions under non-hazardous and hazardous wastes include:

- **Solid** wastes include any discarded material that is abandoned by being disposed of.

- **Liquid** wastes include graywater or blackwater which may contain human waste and water carried from typical residential plumbing fixtures and activities. Liquid wastes may also include used oils, solvents, coatings, lubricants, etc. that exist in quantities greater than that managed by a municipal household hazardous waste program.

- **Mixed wastes** solid waste that has not been sorted into specific categories (such as plastic, glass, yard trimmings, etc.).

- **Source-separated or Uniform** wastes are solid waste that has been separated into individual categories.

---

Are there other categories of waste or references to waste materials that you have witnessed in the City of Hamilton?

---

The following pages outline various types of waste management facilities as they may be referenced under the current Provincial approvals process. Can you think of any terms of references that do not align with these descriptions based on your experience in Hamilton.
## 2. TYPES OF WASTE MANAGEMENT FACILITIES

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Description</th>
<th>Potential Nuisance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material Recovery Facility/ Processing of Blue Box Recyclables</td>
<td>Mixed recyclable waste is sorted at the facility and is sold as separate materials streams.</td>
<td>X</td>
</tr>
<tr>
<td>Open-Air Organics Processing Facility</td>
<td>Organic material is composted in &quot;open-air&quot; facility (ie. not within an enclosed structure). Typically process used for leaf &amp; yard waste and some IC&amp;I wastes.</td>
<td>X</td>
</tr>
<tr>
<td>In-Vessel Organics Processing Facility</td>
<td>Organic material is composted or digested in closed facility with odour control technology. Typically process used for source separated organics and some IC&amp;I wastes.</td>
<td>X</td>
</tr>
<tr>
<td>Wood Waste Recycling</td>
<td>Scrap wood waste can be recycled for various uses - typically involves large shredders/grinders.</td>
<td>X</td>
</tr>
<tr>
<td>Aggregate Recycling</td>
<td>Dry waste recovered from construction, demolition, or refurbishment projects.</td>
<td>X</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Mixed Waste Processing</td>
<td>Recyclable materials are removed from the waste stream while the remaining organic material is composted or treated anaerobically. Mixed waste processing facilities are known as Mechanical - Biological Treatment (MBT) plants.</td>
<td>X</td>
</tr>
<tr>
<td>Refuse-derived-Fuel Manufacturing Facilities</td>
<td>Mixed waste is processed into a fuel product that can then be transported to Cement Kilns, Greenhouses, etc.</td>
<td>X</td>
</tr>
<tr>
<td>Thermal Treatment/Energy-from-Waste facility</td>
<td>Waste treatment facilities that utilize waste to produce energy in the form of electricity and/or heat.</td>
<td>X</td>
</tr>
<tr>
<td>Waste Transfer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MSW Transfer Station</td>
<td>A centrally located facility for receiving small shipments of waste which is later transported to a disposal facility (usually within 24 hours).</td>
<td>X</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>Recyclables Transfer Station</td>
<td>A centrally located facility for receiving small shipments of recyclable materials which is later transported to a processing facility (usually within 24 hours).</td>
<td>X</td>
</tr>
<tr>
<td>Organics Transfer Station</td>
<td>A centrally located facility for receiving small shipments of organic materials which is later transported to a processing facility (usually within 24 hours).</td>
<td>X</td>
</tr>
<tr>
<td>Transfer Station with Waste Sorting/ Processing</td>
<td>A facility where some waste materials are sorted and removed from the waste stream. Sorted materials are managed separately from mixed waste stream.</td>
<td>X</td>
</tr>
</tbody>
</table>

### Waste Disposal

| MSW Sanitary Landfill | MSW material is placed in excavated "cells", compacted and covered daily. Modern Sanitary Landfills will have leachate collection systems and gas capture systems. | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| IC&I and C&D Sanitary Landfill | Sanitary landfill accepting waste from Industrial, Commercial and Institutional sources and Construction and Demolition debris. | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
3. **KEY FEATURES AND CONSIDERATIONS OF WASTE MANAGEMENT FACILITIES**

The key features and considerations related to the siting of private waste management facilities in Hamilton include:

- The regulatory environment related to these types of facilities in Ontario;
- The complexity and required level of expertise associated with reviewing and deciding on planning applications for private waste management facilities; and,
- The need for and desirability of various private waste management facilities.

**Ontario’s Regulatory Environment for Waste Management Facilities**

In Ontario, the establishment of any private waste management facility requires the issuance of a **Certificate of Approval (C of A)** under the **Environmental Protection Act (EPA)**. To obtain a C of A, application must be made to the Ontario Ministry of the Environment and the application must be supported by information and studies demonstrating that the facility will not cause an adverse affect to the environment. Where there is the potential for adverse affect, appropriate design/operation measures, monitoring programs, and contingency plans must be included in the supporting documentation. Public and agency consultation associated with an application for a C of A is generally stipulated by the Province’s **Environmental Bill of Rights**. For proposals with potential impacts considered typical and manageable, the scope of consultation is generally limited to notification of potentially impacted parties, the provision of a commenting period, and in some cases, a consultation event. The City of Hamilton would typically be provided these opportunities for most private waste management facility proposals within the City’s boundaries.
Depending on the complexity and magnitude of the proposed waste management facility, the issuance of a C of A may require more intensive studies and consultation to address the requirements of the Province’s **Environmental Assessment Act**. If a Provincial Environmental Assessment (EA) or screening process is required for a proposed private sector facility then the proponent must undertake a planning process and consultation program that explains why the facility is being proposed and that demonstrates the suitability of the proposal in terms of the potential to effect a broader (social, environmental, and economic) environment. **Where an EA is required, the City of Hamilton would typically be engaged in the consultation undertaken by the proponent throughout the planning process.** EAA approvals typically require that all issues identified from consultation be addressed in a reasonable manner.

### Complexity and Level of Expertise Associated with Private Waste Management Facilities

Above under Question 2, a range of facilities managing solid, non-hazardous wastes are identified along with a range of potential impacts associated with each. The various types of facilities and their associated impacts range in terms of their technical complexity and the level of expertise required to understand the operation. An understanding of the proposed facility and its potential impacts would be required for any facility requiring a planning approval by the City. The required level of expertise would have to accessible from the City’s staff resources or through the contracting of outside. The following table classifies the various types of solid, non-hazardous facilities by level of complexity and need for expert resources.
The majority of liquid and hazardous waste management facilities that could potentially locate in Hamilton would be classified as highly complex.

**Need for and Desirability of Facility**

Typically, mention of any kind of waste management facility triggers negative views, particularly by those which may be directly impacted by a site. These views are understood given the types nuisance impacts and potential hazards commonly referenced in relation to these facilities. However, from a municipal standpoint, other views may exist and should be considered.

During 2006, the City of Hamilton managed approximately 253,000 tonnes of waste at its diversion and disposal facilities. This quantity has been relatively stable over the past several years. It is important to note however, that this quantity likely represents only 30 to 40 percent of that actually generated within the City limits. The City’s municipal waste management system handles only a small fraction of waste materials generated by the IC&I sector. The balance (estimated to range from 400,000 to 600,000 tonnes) is
managed at private waste management facilities located both within and outside the City limits.

<table>
<thead>
<tr>
<th>Material</th>
<th>Recycling</th>
<th>Organic</th>
<th>White Goods</th>
<th>Landfill</th>
<th>EFW*</th>
<th>Total</th>
<th>Diversion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>45,144</td>
<td>4,736</td>
<td>25,144</td>
<td>1,286</td>
<td>741</td>
<td>253,110</td>
<td>40%</td>
</tr>
<tr>
<td>2005</td>
<td>41,632</td>
<td>568</td>
<td>975</td>
<td>960</td>
<td>507</td>
<td>240,745</td>
<td>30%</td>
</tr>
<tr>
<td>2004</td>
<td>38,409</td>
<td>0</td>
<td>859</td>
<td>930</td>
<td>592</td>
<td>237,845</td>
<td>28%</td>
</tr>
<tr>
<td>2003</td>
<td>31,990</td>
<td>0</td>
<td>502</td>
<td>833</td>
<td>739</td>
<td>229,324</td>
<td>24%</td>
</tr>
<tr>
<td>2002</td>
<td>30,976</td>
<td>0</td>
<td>109</td>
<td>1,045</td>
<td>873</td>
<td>273,068</td>
<td>20%</td>
</tr>
<tr>
<td>2001</td>
<td>30,796</td>
<td>0</td>
<td>798</td>
<td>583</td>
<td>120,629</td>
<td>268,457</td>
<td>18%</td>
</tr>
<tr>
<td>2000</td>
<td>32,127</td>
<td>0</td>
<td>648</td>
<td>481</td>
<td>102,107</td>
<td>274,435</td>
<td>17%</td>
</tr>
</tbody>
</table>

CRC = Community Recycling Centre  
L & Y = Leaf and Yard  
GC = Green Cart  
HHW = Household Hazardous Waste  
EFW = Energy From Waste

*SWARU closed permanently on December 6th, 2002.  
**City wide Green Cart Organics Program rolled out to all City of Hamilton residents in April 2006.

These IC&I wastes are currently managed privately due to market forces and substantially cheaper tipping fees at private waste management facilities.

Is the city willing to allocate sufficient lands equal to that required for the management of it’s own IC&I wastes and in doing so establish an equitable position with respect to the provision of waste management capacity in Ontario?

If substantial portion of private sector markets were to disappear what kind of obligations would the City be faced with respecting their IC&I tax payers?

The establishment of certain kinds of waste management facilities may present economic opportunities such as the provision of energy and jobs.

Of the types of facilities that could potentially locate in the City of Hamilton, some may be considered more desirable from the standpoint of contributing to the environment and the Provinces waste diversion objectives.
Given the above considerations, the City could view the various types of waste management facilities with a desire to ban, accept, or desire. How do you view the various types of facilities in this regard?
1. **Introductions**

<table>
<thead>
<tr>
<th>City of Hamilton</th>
<th>Other</th>
<th>Jacques Whitford Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debbie Saunders</td>
<td>Rob Cook (Ontario Waste Management Association)</td>
<td>Jim McKay</td>
</tr>
<tr>
<td>Anne Winning (representing Pat Parker)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Morgante</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stan Holiday</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roger Finkenbrink (representing Rob Hall)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frank Biancucci</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robert Walters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rick Martins</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leanne Ryan</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. **Overview of the Workbook**

The workbook is organized into three sections: definition of waste, types of waste management facilities, and what key components should Hamilton consider for this project.

3. **Definition of Waste**

Are there other categories of waste or references to waste materials that you have witnessed in the City?

**Key Points**
- Leachate
- Wastewater
- Sludges/biosolids
- Paper sludge
- Electronic wastes
- Agricultural wastes

**Discussion**
- Liberty Energy submitted an application for biosolids
- C of A for a transfer station for computer parts and catalytic converters
  - Will also be processing on site
- Have had applications for agricultural waste processing facilities
  - Currently not subject to C of As, but the City wants to be aware of them
- ABP Recycling on Parkdale Ave
  - Controversial application
Handling animal by-products and agricultural waste
  o Consider themselves recyclers, not waste handlers
  o Divided property to meet distance separation criteria

- Waterdown Garden Supplies
  o Bringing in paper sludge from Scarborough
  o Water streams are nearby – may have implications under Source Water Protection
  o MOE won’t issue the C of A until they clean up their act
  o Is there a difference between provisional and full approval? No.

- Source Water Protection comes into play in rural areas
  o Hamilton part of four different Source Water Protection areas
- Steve received a summary from Stan of all the applications received by Hamilton
- JW can also have access to C of A approvals if needed

4. Types of Waste Management Facilities

**Key Points**
- Revise table to include separate rows for “Material Recovery Facility” and “Processing of Specialty Products/Blue Box Recyclables” (this would be inclusive of e.g. fibre, film, etc).
- Consider farm use of anaerobic digesters as well
  o Agricultural facilities are not subject to EPA, OEAA
- Consider paper sludge and biosolids

**Discussion**
- Waste Processing
  o Hamilton is a central point for Niagara, Halton, GTA, etc.
  o Potential for private facilities to be established in Hamilton
  o Organics facilities are subject to D6 MOE Guidelines and CofAs
  o Wood processing equipment is mobile – doesn’t require permanent facilities; CofAs are on the equipment itself
  o City is looking at brownfield remediation
    ▪ Some extract and recycle on site
    ▪ Subject to CofAs
    ▪ Example: County of Simcoe
  o The province considers Thermal Treatment/Energy from Waste plants as disposal facilities. However they have more in common with a processing facility.
  o In-Vessel Organics Processing Facilities should recognize on farm anaerobic digestion
    ▪ Not required to have MOE CofAs
    ▪ Don’t have the same guidelines as other waste processing facilities
- Waste Transfer
  o All waste transfer facilities require CofAs.
- Waste Disposal
  o Non-regulatory waste
    ▪ How does the City include conditions for non-regulatory waste?
    ▪ Could request to have acceptance of non-regulatory waste in CofA
    ▪ Unsure if it could be included as a policy in Hamilton documents
    ▪ Private facilities considering locating in Hamilton would likely not want to limit themselves to only accepting Hamilton waste
If a site is transferred from private to public (and vice versa), is a new CofA required?
- Expect that conditions of the CofAs are transferred to the new owner
- Would have to talk to MOE to determine if a new CofA would be required
- Examples: Green Lane - City of Toronto voluntarily reviewed CofA and added additional conditions to meet concerns of local residents; City of Ottawa – only the name on the CofA changed when a long-term private lease was signed with the City

5. **Application Process**

- How can the City have more input and be heard by the MOE during the application process?
- How can the municipality increase the MOE review timelines?
- OP won’t override MOE timelines, but it can slow things down at a key point in the process
- Municipalities have clout in OP and Zoning By-law amendments
- Better to work with the proponent earlier in the process as opposed to waiting until OP and Zoning By-law amendments
- Hurdles in the process for the City:
  - Have to ask proponent to provide more information on their application (MOE only provides the City with a short summary).
  - City also charges a fee ($1580) for reviewing an application.
  - These cause delays in the process, especially with smaller proponents. Delays cut into the City’s review period.
  - MOE should split the information they receive into propriety vs. general information
    - City is not interested in propriety information (FIPPA implications if released to City)
  - If Hamilton misses the deadline for comments, then they forfeit their opportunity to comment entirely
  - There are no appeal mechanisms with the MOE process
    - This may change
    - Potentially use the EBR to challenge MOE decisions
  - The City would likely be more successful in working with the MOE to obtain information/be part of the review process vs. obtaining information for the applicant
  - Can an MOU with the MOE be established to set parameters for the review process?

6. **Complexity**

- Complexity is based on approval process
- High complexity projects will likely require an EA (Screening, Class or individual)
  - allows the municipality more opportunity to provide comment as a key proponent
- Moderate complexity projects require EPA approvals and CofAs (ex: Waste and likely Air)
- Low complexity projects require CofAs

7. **Province of Ontario’s Waste Value Chain**

- The City could consider using the Value Chain for illustrating waste management priorities.
- As you move down the Value Chain the more complex the approvals, etc.
- Could use the MOE chart to develop a MOU with the MOE
• MOE’s objective is to reduce waste and help the environment – use this information in negotiating MOU
• Can’t the City prohibit certain facilities outright? One way is to not prohibit, but require an OPA
• If a facility is prohibited, it will go elsewhere as will employment opportunities
• City of Hamilton Solid Waste Management Master Plan (supported by Council)
  o Goal is to manage residential waste within own boundaries
  o Doesn’t speak to IC&I
  o Recommendation #5: a new state of the art Energy from Waste facility may form part of the City of Hamilton’s waste management system
• Hamilton asks for full-time and part-time job opportunities as part of CofA information gathering
• MOE may be revising CofA approval process
  o More control may be given to municipalities

8. Other

• Economic Development is supportive of the use of private energy generation for business parks
• Focus specific waste management facilities in areas identified for commercial and industrial sites
• Link waste management facilities and economic development
• Must consider that every time an industrial area is developed waste management will be needed
• More municipalities are beginning to look at waste management in the pre-planning exercise
• Almost all IC&I waste is not disposed of in Hamilton
• Should the City look at managing IC&I?
• Political perception is that the City already has too many waste disposal sites in Hamilton
• How does the percent of IC&I waste management in the City compare with other municipalities?

9. Next Steps

• JW to initiate meeting with MOE representatives re: discussion of a possible MOU
• JW to proceed with development of planning alternatives for management of private waste management sites
APPENDIX H
Public Open House Consultation Materials
PRIVATE WASTE DISPOSAL SITES PUBLIC INFORMATION
OPEN HOUSE

The City of Hamilton in conjunction with Jacques Whitford Limited will be holding an Open House to receive public input on options and draft recommendations for new Official Plan policies, zoning regulations and other approaches to allowing Private Waste Disposal Sites in the City of Hamilton.

What is a Private Waste Disposal Site?

A Private Waste Disposal Site is a non-municipal facility where waste is deposited, disposed of, handled, stored, transferred, treated or processed. Such facilities can involve a broad range of wastes including solid, liquid, hazardous and non-hazardous wastes, and comprise processing (i.e. recycling, composting, etc.), transfer, and storage operations.

Why is a Study Required?

While new Private Waste Disposal Sites require a Certificate of Approval from the Ministry of the Environment, they also require proper City Official Plan policies and zoning to operate. Concerns are often raised by citizens in the community with respect to the nuisances, such as odours and truck traffic, which are often associated with these types of facilities. The City’s current Official Plan policies and zoning generally pre-date these types of facilities and need to be updated to ensure effective land use compatibility. Jacques Whitford Limited has been hired by the City to develop options and recommendations for these new policies and zoning.

The Open House will include displays and focus on alternative and preferred municipal strategies for controlling these types of facilities. The Open House will be held as follows:

1:00 pm to 4:00 pm

Albion “A” Room
Hamilton Convention Centre
1 Summers Lane
Hamilton
For more information, please visit our website at www.hamilton.ca/officialplanpic

If you would like additional information, please contact:

City of Hamilton, Planning & Economic Development Department

    Robert Walters, Strategic Services & Special Projects
    905-546-2424 x 2809
    robert.walters@hamilton.ca

Jacques Whitford Limited

    Steve Plaice
    905-631-3905
    steve.plaice@jacqueswhitford.com
Welcome!

Public Open House

Study to Address Private
Waste Management Facilities
in Hamilton

1:00pm to 4:00pm
Why are we here?

- City is currently in the process of creating a new Official Plan and Zoning By-law.
- Official Plan needs to address private waste management facilities.
- Study commissioned to review best way to address a wide range of facilities in new Official Plan policies and Zoning By-law.
- Draft recommendations have been prepared and now public input is being collected.
Purpose of the Study

1. To undertake a review of issues associated with the establishment of private waste management sites in the City.

2. To identify alternative strategies to address the issues.

3. To recommend a preferred strategy with direction on required Official Plan policies, zoning by-law regulations, and other City approvals such as site plan approvals.
Rationale

• Current Official Plans and Zoning by-laws for the City do not consider the range of recycling and waste management facilities that could potentially operate in the City.

• Currently, the policies the City has in place are not suitable to consider and evaluate private waste disposal facilities.
The following issues have been identified by the City of Hamilton:

- The City’s current Official Plan policies need to be updated to reflect private waste management sites;
- The C of A process by the MOE does not allow sufficient time for the City to submit comments;
- Concern with the enforcement and monitoring of C of As by the MOE;
- Potential cumulative impacts on adjacent land uses to the sites;
- Citizens are concerned with nuisance effects, such as odour and truck traffic; and,
- Economic considerations with respect to waste management activities.
Overview of the Study

The following describes the steps that will be undertaken for this study:

1. Study Scoping.
2. Data Collection.
3. Establishment of City priorities and preferences regarding Private Waste Management Sites.
4. Formulation of Alternative Approaches.
5. Public and Agency Consultation.
Alternative Approaches

Three draft alternative concepts have been created for consideration.

2. Status Quo with an enhanced MOE relationship.
Status Quo

• Maintain current approach
  – Current OP & zoning generally do not define these facilities & permit them whether they are noxious or not (subjective process)

• Input on proposed facility development and operation is limited to C of A applications circulated by MOE where C of As are required.

• Where no C of A is required, City’s input limited to any applicable development controls that might be in place.

• Limited to no governance of facility location with particular regard to surrounding land uses and cumulative impacts.

• Ability to comment governed by staff’s technical capabilities, workload, and ability to meet MOE timelines.
Status Quo with Enhanced MOE Relationship

- Intended to address issue of missed MOE timelines for City comments
- Would be subject to MOE agreement to engage in discussions and the ability of the City and MOE to accept terms considered mutually beneficial.

Possible considerations:
- Implementation by way of Memorandum of Understanding.
- Conditional agreement by MOE to withhold issuance of C of A until City comments are received (or City planning approvals are set in principle).
- Likely subject to the definition of reasonable timeframes and limits on scope of City’s review.
Manage Development Through Official Plan and Zoning By-law Control Mechanisms

- Establish new policies and provisions specific to a broad range of waste management facilities.
  - Categorize facilities based on level of concern (i.e., environmental/health risk potential, degree of nuisance impacts, etc.
  - Incorporate criteria and standards specific to facility types/categories by way of implementation tools/development controls defined in new OP.
    - Could incorporate standards consistent with MOE’s or consider standards specific to conditions in the City.
  - Supply of private sector waste management capacity in City would be open to market conditions and ability of proponents to meet new policies and provisions.
    - Number of facilities would be limited to that supported by supply of lands with suitable designations and zoning.
# Ability to Address Concerns

<table>
<thead>
<tr>
<th>Issues</th>
<th>Status Quo</th>
<th>Status Quo with enhanced MOE relationship</th>
<th>Manage development through Official Plan and Zoning By-law Control Mechanisms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue #1: The City’s current Official Plan policies need to be updated</td>
<td>✗</td>
<td>✓</td>
<td>Option 1* Allow Some Facilities to Locate in Areas Pre-Zoned for that Type of Private Waste Facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Option 2* Some Facilities require OP Amendment All Facilities require Re-Zoning and Site Plan Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Option 3* All Facilities require OP Amendment, Re-Zoning and Site Plan Approval</td>
</tr>
<tr>
<td>Issue #2: The MOE C of A process does not allow sufficient time for</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>the City to review and provide comments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue #3: Concern with the enforcement and monitoring of C of A</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>by the MOE</td>
<td></td>
<td></td>
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<tr>
<td>Issue #4: Potential cumulative impacts on adjacent land uses to the</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>sites</td>
<td></td>
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<td></td>
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<tr>
<td>Issue #5: Concern with nuisance effects, such as odour and truck</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>traffic</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue #6: Economic considerations with respect to waste management</td>
<td>✗</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>activities</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

* Please note Options 1, 2 and 3 can all be used and a combination of all three is viable.
### Types of Facilities

<table>
<thead>
<tr>
<th>Type of Facility</th>
<th>Description</th>
<th>Potential Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste Processing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material Recycling Facility</td>
<td>Mixed recyclable waste is sorted at the facility and is sold as separate materials streams.</td>
<td>X X X X X X X X</td>
</tr>
<tr>
<td>Open-Air Organics Processing Facility</td>
<td>Organic material is composted in &quot;open-air&quot; facility (ie. not within an enclosed structure). Typically process used for leaf &amp; yard waste and some IC&amp;I wastes.</td>
<td>X X X X X X X X</td>
</tr>
<tr>
<td>In-Vessel Organics Processing Facility</td>
<td>Organic material is composted or digested in closed facility with odour control technology. Typically process used for source separated organics and some IC&amp;I wastes.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Wood Waste Recycling</td>
<td>Scrap wood waste can be recycled for various uses - typically involves large shredders/grinders.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Aggregate Recycling</td>
<td>Dry waste recovered from construction, demolition, or refurbishment projects.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Mixed Waste Processing</td>
<td>Recyclable materials are removed from the waste stream while the remaining organic material is composted or treated anaerobically. Mixed waste processing facilities are known as Mechanical - Biological Treatment (MBT) plants.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Thermal Energy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refuse-derived-Fuel Manufacturing Facilities</td>
<td>Mixed waste is processed into a fuel product that can then be transported to Cement Kilns, Greenhouses, etc.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Thermal Treatment/Energy-from-Waste facility</td>
<td>Waste treatment facilities that utilize waste to produce energy in the form of electricity and/or heat.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Municipal Solid Waste Transfer Station</td>
<td>A centrally located facility for receiving small shipments of waste which is later transported to a disposal facility (usually within 24 hours).</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Recyclables Transfer Station</td>
<td>A centrally located facility for receiving small shipments of recyclable materials which is later transported to a processing facility (usually within 24 hours).</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Organics Transfer Station</td>
<td>A centrally located facility for receiving small shipments of organic materials which is later transported to a processing facility (usually within 24 hours).</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Transfer Station with Waste Sorting/Processing</td>
<td>A facility where some waste materials are sorted and removed from the waste stream. Sorted materials are managed separately from mixed waste stream.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Waste Disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitary Landfill</td>
<td>MSW material is placed in excavated &quot;cells&quot;, compacted and covered daily. Modern Sanitary Landfills will have leachate collection systems and gas capture systems.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Industrial, Commercial &amp; Institutional and Construction &amp; Demolition Landfill</td>
<td>Landfill accepting waste from Industrial, Commercial, and Institutional sources and Construction and Demolition Debris.</td>
<td>X X X X X X X</td>
</tr>
<tr>
<td>Hazardous Waste Transfer and Processing Facilities</td>
<td>Hazardous waste is material that is corrosive, flammable or toxic and presents a real or potential danger to human health or to the environment if it is not stored, treated, transported, eliminated, used or otherwise managed.</td>
<td>X X X X X X X</td>
</tr>
</tbody>
</table>

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**Legend:**
- **Traffic:** X
- **Air Emissions:** X
- **Dust:** X
- **Odour:** X
- **Flies, vermin, birds:** X
- **Noise:** X
- **Litter:** X
- **Water Resources:** X
- **Visual Intrusion:** X
- **Nature Conservation:** X
- **Land stability/Geology:** X
- **Vibration:** X
- **Access:** X
### Preferred Alternative Options

Manage development through Official Plan and Zoning By-law Control Mechanisms

<table>
<thead>
<tr>
<th>Facility</th>
<th>Option 1 (Allow Some Facilities to Locate in Areas Pre-Zoned for that Type of Private Waste Facility)</th>
<th>Option 2 (Some Facilities require OP Amendment, All Facilities require Re-Zoning and Site Plan Approval)</th>
<th>Option 3 (All Facilities require OP Amendment, Re-Zoning and Site Plan Approval)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Site Plan Approval Required</td>
<td>Re-Zoning Required</td>
<td>Official Plan Amendment Required</td>
</tr>
<tr>
<td><strong>Processing Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Material Recovery Facility/Processing of Blue Box Recyclables</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Open-Air Organics Processing Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>In-Vessel Organics Processing Facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Wood Waste Recycling</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Aggregate Recycling</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Mixed Waste Processing</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Transfer Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MSW Transfer Station</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Recyclables Transfer Station</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
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<td>✓</td>
<td>✓</td>
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<td>✓</td>
<td>✓</td>
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<td><strong>Thermal Treatment Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refuse-derived-Fuel Manufacturing Facilities</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
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<td>Thermal Treatment/Energy-from-Waste facility</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Disposal Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanitary Landfill</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Hazardous Waste Facilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hazardous Waste Transfer and Processing Facilities</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

---

**We want your input!**

What type of land use designation is appropriate for each type of facility?

Which type of facilities should be pre-zoned?

Should there be additional requirements that must also be met by a private waste facility? For example, should any private waste facility be prohibited from being located within 300 m of a residential land use?

Please fill out a comment form and let us know your thoughts.
Timelines & Next Steps

- **January, 2008**
  - Study Initiated and Work Program Finalized
  - Steering Committee Formed

- **February - March, 2008**
  - Background Data Collection

- **April - June, 2008**
  - Establishment of City Priorities
  - Development of Facilities Matrix
  - Formulation and Evaluation of Alternative Approaches

- **June 26, 2008**
  - Public Information Open House

- **July - August, 2008**
  - Report Preparation

- **August, 2008**
  - Draft Report Circulated for Agency Comment

- **September, 2008**
  - Report Presentation
Feedback on the Planning Study of Private Waste Disposal Sites in the City of Hamilton

COMMENT SHEET

We want to hear from you!!

You are invited to provide comments on the information presented today. Please complete this comment sheet and leave it with us today or send it to the address below. Please submit your comments by July 28, 2008 to ensure they are addressed in the Draft Report.

Planning Study of Private Waste Disposal Sites
c/o Jim McKay
Jacques Whitford Limited
3430 South Service Road
Burlington, Ontario L7N 3T9

Comments can also be emailed to jim.mckay@jacqueswhitford.com
Or faxed to: 905-631-8960

NAME:

ADDRESS:

TELEPHONE:

EMAIL:

Questions to Consider:

Do you think some private waste facilities should be permitted because of existing zoning provisions? Where? What kinds of facilities?

* The information collected on this form is collected in accordance with The Municipal Freedom of Information and Protection of Privacy Act. It will be used solely for the purpose of receiving public input on options and draft recommendations for new Official Plan policies, zoning regulations and other approaches to allowing Private Waste Disposal Sites in the City of Hamilton.
Should certain qualifiers also be included if the pre-zoned option is chosen (i.e., separation distances, etc. regardless of zoning)?


Which alternative of those presented do you prefer? Why? Can you suggest another option?


Other Comments:


Thank you for your consideration of this important Study.

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________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

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Should certain qualifiers also be included if the pre-zoned option is chosen (i.e., separation distances, etc. regardless of zoning)?

Which alternative of those presented do you prefer? Why? Can you suggest another option?

Other Comments:

Would like to be updated on the outcome of this study as it moves forward.

Thank you for your consideration of this important Study.

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APPENDIX I

Meeting Minutes from Meeting with the Ministry of the Environment
Appendix "A" to Report PED08064(a)
Page 150 of 173

Notes from MOE Meeting
September 3, 2008, 2:00 to 2:45

Present:

<table>
<thead>
<tr>
<th>City of Hamilton</th>
<th>MOE</th>
<th>Jacques Whitford Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pat Parker</td>
<td>Geoffrey Knapper</td>
<td>Jim McKay</td>
</tr>
<tr>
<td>Robert Walters</td>
<td>Jason Ryan</td>
<td>Lindsay Frith</td>
</tr>
<tr>
<td>Ric Martins</td>
<td>Joanne Placko</td>
<td></td>
</tr>
<tr>
<td>Alvin Chan</td>
<td>Mark Dunn</td>
<td></td>
</tr>
</tbody>
</table>

- Before City representatives arrived, Jim gave a brief overview of the Private Waste Facility Study and the purpose of the meeting
- Robert Walters:
  - Issue is the response time for the City to comment
  - City receives notification on the EBR posting
  - City requires applicant to submit application and fee for review
  - Currently, the City has no control mechanisms itself (i.e., zoning, Official Plan (OP), etc.) and relies on MOE mechanisms
  - Response time is difficult to meet as proponent doesn’t always give all the information required in the application
  - MOE cannot release all the information to the City (due to FIPPA)
  - Reports must go to Council one month ahead – therefore really a two month turn-around time for the City
  - If City is not on time, C of As might get issued before comments are submitted
- Newalta – MOE gave City an additional 30 days for commenting
- Mark Dunn
  - MOE has a sincere interest in getting the City’s comments
  - FIPPA – can’t release info without sign-off from the proponent
  - May be room for City to comment before notice is posted on EBR
  - EAAB has the mandate to post on the EBR, not District
  - Possibility of a Standard Operating Procedure (SOP) would have to be discussed with EAAB
- Politically a SOP may be tough (precedence, etc.)
- Element of trust – City has to believe MOE will do due diligence on package
- City could end up duplicating and triplicating the MOE work if they require all their own studies
- City standards may be different than the MOE
- Most realistic option might be to have the proponent sign-off on FIPPA on the City’s application so the City can have access to all information that has been provided to MOE
- Use other City mechanisms (i.e., don’t grant business license if proponent doesn’t give information
- It takes the City 6-8 weeks to comment and take to Council for endorsement/approval
- Could ask for a 60 day posting on the EBR
- City may be requested to commit to being done by the end of 60 days (i.e., not ask for another extension)
- Abstract on EBR does not provide enough info for City comments
- EAAB may consider comments outside of the 30 days
- If there is some gap in the C of A that gives the City difficulties, then the District office has to deal with the issue
- MOE wants an amicable relationship
• MOE enforcement – perceived vs. real
• Some people don’t like the laws even though a facility is abiding by them
• Where to draw the line on C of As comments - precedent set with C of A waste could also impact on other C of A
• Majority of C of As are expansions
• Other facilities not subject to C of As (i.e., agricultural facilities) – fall under different legislation
• City should check with their legal people re: sign-off on application
• District office willing to accompany City to EAAB meeting
APPENDIX J
Proposed Official Plan and Zoning By-law Amendment
Appendix J
Proposed Official Plan and Zoning By-Law Amendment

The City of Hamilton is currently updating its Official Plans and Zoning By-laws. The City retained Jacques Whitford to review the issues associated with the establishment of private waste disposal sites in the City and to recommend the preferred strategy for the City’s participation in the permitting process. The materials under consideration in this study include all wastes as designated under the Province of Ontario Environmental Protection Act - R.R.O. 1990, Regulation 347 - General — Waste Management. The recommended preferred alternative approach, based on the consideration of relative advantages and disadvantages associated with each alternative, is as follows:

Manage development through Official Plan and Zoning By-Law control mechanisms and establish new policies and provisions specific to a broad range of waste management facilities.

The following text consists of the proposed policies and provisions that would be included in the City’s new Official Plan and consolidated Zoning By-Law respectively and are based on the October, 2008, Project Report considered by City staff. It has been assumed that the proposed new sections and subsections, outlined below, be included by Amendment to the City’s new Official Plan and Zoning By-Law. The zoning recommendations for the urban area have been considered in regard to the Employment Area zones in Report PED08146 dated June 4, 2008.

Proposed Official Plan Amendment

1 Private Waste Management Facilities

The City is responsible for providing clear direction to the private sector for the development of privately-owned and operated waste management facilities that comprise key components of Hamilton’s waste management infrastructure. To this end, the policies in this section together with other, referenced, sections of this Plan, provide the City’s policy direction regarding the establishment of private sector waste management facilities in Hamilton.

The following shall comprise “Private Waste Management Facilities” for the purposes of this Plan and Zoning By-Law.

• Waste Processing which involves the processing of waste materials into a usable form and includes blue box recyclables recovery facilities, open-air organics processing, in-vessel organics processing, wood waste recycling, aggregate/construction & demolition wastes recycling and mixed waste processing (or MBT) facilities.
• **Thermal Treatment** which involves the processing of waste into a waste-based fuel and/or the disposal of waste under controlled conditions by heating or combusting the materials and includes refuse-derived fuel manufacturing and/or thermal treatment/energy-from-waste facilities.

• **Waste Transfer** which involves the transfer of recyclables and/or mixed wastes from smaller, usually collection, vehicles to larger vehicles for the more efficient transport of the materials to another waste management facility that entails the use of a waste transfer facility.

• **Waste Disposal** which involves the placement of waste under controlled conditions on land and includes sanitary landfill and Institutional, Commercial & Industrial (IC&I) as well as Demolition & Construction (D&C) sanitary landfills.

• **Hazardous Waste Facilities** which process, transfer for processing and/or dispose of waste materials that can pose a substantial or potential hazard to either human health or to the environment when improperly managed. These materials possess poisonous, corrosive, radioactive, explosive and/or flammable properties. Examples of hazardous waste include paint, batteries, pesticides and household cleaners. Facilities where hazardous wastes may be managed include reprocessors and reclaimers; landfill sites, thermal treatment facilities, transfer stations and waste processing plants.

1.1 Decisions concerning the location of Private Waste Management Facilities shall be governed by the policies in this Plan and the provisions of the Zoning By-Law. Specifically, the City shall ensure:

1. compatibility between existing and proposed land uses;
2. protection of public health and safety;
3. protection of the natural and cultural environments;
4. capacity to effectively service prospective developments with respect to roadways; and,
5. appropriate site design with respect to, among others: access/egress; odour, dust and noise control; visibility and aesthetics; protection of the natural and heritage environments; and safety including fire protection.

1.2 The preliminary design of Private Waste Management Facilities shall be subject to Site Plan Control as outlined in **Section XXX** of this Plan as well as in consideration of site management measures related to noise, odour and vermin control.

1.3 The development of new Private Waste Management Facilities may only be permitted on lands designated either “Employment Area – Industrial Land” or
"Employment Area – Business Park” subject to the policies specific to each type of facility as outlined in this section of the Plan.

1.3.1 The development of new and the expansion of existing Private Waste Processing Facilities, Private Waste Transfer Facilities and Private Thermal Treatment Facilities may be permitted on lands designated "Employment Area – Industrial” or "Employment Area – Business Park” provided the use is located a minimum of 300 metres from "sensitive land uses” (as defined in Section XXX of this Plan) and where the following items have been considered to the City’s satisfaction:

1. The completion of Design & Operation reporting that articulates how the applicant would mitigate potential effects associated with odour emissions, vermin, litter and visibility.
2. The provision of air quality and noise impact reporting as required to support an application for a Certificate of Approval under the Environmental Protection Act.
3. The completion of on-site wastewater and stormwater management measures, as may be required.
4. The provision of adequate setbacks from designated and/or identified natural and cultural heritage features.

1.3.2 Notwithstanding policy 1.3.1, Private Waste Processing Facilities, Private Waste Transfer Facilities and Private Thermal Treatment Facilities may be permitted on lands designated either "Employment Area – Industrial” or "Employment Area – Business Park” that are within 300 metres, but not closer than 70 metres, to “sensitive land uses” by way of a site-specific Amendment to the City’s Zoning By-Law. In these cases, the following items shall be considered to the City’s satisfaction:

1. The identification of surrounding sensitive land uses together with appropriate mitigation measures related to potential effects from the operation of the facility including but not limited to noise, odour, vibration, dust and traffic.
2. The provision of traffic control measures based on a Traffic Impact Study.
3. The completion of Design & Operation reporting that articulates how the applicant would mitigate potential effects associated with odour emissions, vermin, litter and visibility.
4. The provision of air quality and noise impact reporting as required to support an application for Certificate of Approval under the Environmental Protection Act.
5. The completion of on-site wastewater and stormwater management measures as may be required.
6. The provision of adequate setbacks from designated and/or identified natural and cultural heritage features.
1.3.3. The development of Waste Processing Facilities, Waste Transfer Facilities and Thermal Treatment Facilities on lands located within 70 metres of “sensitive land uses” may be permitted within either the “Employment Area – Industrial” or “Employment Area – Business Park” land use designations only by site-specific Amendment to this Plan together with a site-specific Amendment to the Zoning By-law. The policies and provisions related to the above-noted land use designation and associated Zone(s) shall apply together with the following additional considerations:

1. The identification of surrounding sensitive land uses together with appropriate mitigation measures related to potential effects from the operation of the facility including but not limited to noise, odour, vibration, dust and traffic.
2. The provision of traffic control measures based on a Traffic Impact Study.
3. The completion of Design & Operation reporting that articulates how the applicant would manage odour emissions, vermin, litter and visibility.
4. The provision of air quality and noise impact reporting as required to support an application for Certificate of Approval under the Environmental Protection Act.
5. The completion of on-site wastewater and stormwater management measures as may be required.
6. The provision of adequate setbacks from designated and/or identified natural heritage features.
7. The completion of additional investigations as may be identified based on the characteristics of the proposed development and the surrounding existing and/or planned land uses.

1.3.4 Thermal Treatment may be considered as an accessory use to either an existing or a proposed principal industrial use in either the “Employment Area – Industrial” or “Employment Area – Business Park” land use designations provided that the source of waste feedstock is a by-product of the principal use of the site.

1.3.5 Private Hazardous Waste Facilities and Private Waste Disposal Facilities shall only be permitted by Amendment to this Plan together with a site-specific Amendment to the Zoning By-Law. Applications for Amendment to this Plan shall comply with the policies related to either the “Employment Area – Industrial” or “Employment Area – Business Park” land use designations as applicable and associated Zone(s) together with the following, additional, considerations:

1. The appropriate separation distance to ensure that sensitive land use(s) and the general public’s health and safety are protected
against any potential effect associated with either Hazardous Waste Facilities or Waste Disposal Facilities.

2. An assessment of the potential health and safety risks in the event of an accident or malfunction together with a description of the measures to prevent same, contingency measures and the means by which public health and safety will be protected in the event of an accident or malfunction. The appropriate mitigation and public health measures would be implemented and secured through Site Plan Approval together with Certificate of Approval application(s) under the Environmental Protection Act.

3. The appropriateness of the prospective land use in relation to surrounding land uses.

4. The identification of sensitive land uses within 1000 metres of the applicant’s lands together with appropriate mitigation measures related to potential effects from the operation of the facility including but not limited to noise, odour, vibration, dust and traffic.

5. The provision of traffic control measures based on a Traffic Impact Study.

6. The completion of Design & Operation reporting that articulates how the applicant would manage odour emissions, vermin, litter and visibility.

7. The provision of air quality and noise impact reporting as may be required to support an application for Certificate of Approval under the Environmental Protection Act.

8. The completion of on-site wastewater and stormwater management measures as may be required.

9. The provision of adequate setbacks from designated and/or identified natural and cultural heritage features.

1.4 Nothing in this Section shall affect the continued operation of any Private Waste Management Facility that existed legally prior to the approval of these policies. The expansion of any legally-existing facility shall comply, however, to the policies contained in the Official Plan for the City of Hamilton as well as the Zoning By-Law.

1.5 Where the City requires a technical report from an applicant, the City may, at its sole discretion, require a Peer Review of that technical report and may require the costs of such Peer Review be borne by the applicant.

1.6 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for Certificates of Approval, as required, under the Environmental Protection and/or Ontario Water Resources Acts for the approval of Private Waste Management Facilities in the City of Hamilton.
The preceding text comprises the “Private Waste Management Facilities” policies for the City’s new, consolidated Official Plan. This text also contains policy direction regarding provisions for the City’s implementing Zoning By-Law. The following text comprises the proposed provisions for inclusion in the City’s Zoning By-Law related to the development of Private Waste Management Facilities.

**Proposed Amendment to the Zoning By-Law**

Following are the proposed modifications to the City’s draft Employment Area Zones as outlined in “Appendix E” to City Planning Report PED08146, dated June 4, 2008.

The following should be included under “General Business Park (M2) Zone; Permitted Uses”:

> Private Waste Processing, Private Waste Transfer, and Private Thermal Treatment facilities located at least 300 metres from “sensitive land uses” as defined by MOE Guideline D-6.

It is recommended that the words "(non waste disposal site)" be deleted from the referenced "Private Power Generation" permitted use.

No revisions to the “(M2)” Zone Regulations are recommended. Specific proposals that may require relief from compliance with existing regulation(s) could be considered by way of either an application for a minor variance or a site-specific Amendment to the Zoning By-Law.

The following should be included under “General Industrial (M5) Zone; Permitted Uses”:

> Private Waste Processing, Private Waste Transfer, and Private Thermal Treatment facilities located at least 300 metres from “sensitive land uses” as defined by MOE Guideline D-6.

It is recommended that the words "(non-Waste Disposal Site)“ be deleted from the referenced "Private Power Generation” permitted use.

No revisions to the “M5” Zone Regulations are recommended. Specific proposals that may require relief from compliance with existing regulation(s) would be considered by way of either an application for a minor variance or a site-specific Amendment to the Zoning By-Law.
APPENDIX K
R.R.O, 1990 Regulation 347
The following is an excerpt from Regulation 347:

DEFINITIONS

1. (1) In this Regulation,
   “access road” means a road that leads from a public road to a waste disposal site;
   “acute hazardous waste chemical” means,
   (a) a commercial waste chemical listed as an acute hazardous waste chemical in Part A of Schedule 2, other than a waste described in Schedule 2.1,
   (b) a mixture of a waste referred to in clause (a) and any other waste or material, or
   (c) a waste derived from a waste referred to in clause (a), unless,
      (i) the waste that is derived from the waste referred to in clause (a) is listed in Schedule 2.1, or
      (ii) the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of the acute hazardous waste chemical from which it was derived;
   “agricultural waste” means waste, other than sewage, resulting from farm operations, including animal husbandry and where a farm operation is carried on in respect of food packing, food preserving, animal slaughtering or meat packing, includes the waste from such operations;
   “anaerobic digestion” means the decomposition of organic matter in an oxygen-limiting environment;
   “anaerobic digestion materials” means materials that are intended for treatment in a mixed anaerobic digestion facility, whether the materials are generated at the agricultural operation or received at the agricultural operation from an outside source;
   “anaerobic digestion output” means any solid or liquid material that results from the treatment of anaerobic digestion materials in a mixed anaerobic digestion facility;
   “aqueous waste” means waste that is aqueous and contains less than 1 per cent total organic carbon by weight and less than 1 per cent total suspended solids by weight;
   “asbestos waste” means solid or liquid waste that results from the removal of asbestos-containing construction or insulation materials or the manufacture of asbestos-containing products and contains asbestos in more than a trivial amount or proportion;
   “biodiesel” means a fuel or fuel component that is comprised of mono-alkyl esters of long-chain fatty acids that are derived from plant oils or animal fats, if the fuel or fuel component,
      (a) conforms to the detailed requirements shown in Table 1 of ASTM International Standard D6751, entitled “Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels”, as amended from time to time, when tested by the test methods indicated in that Standard, or
      (b) is in accordance with the limits specified in Table 1 of European Standard EN 14214, entitled “Automotive Fuels – Fatty acid methyl esters (FAME) for diesel engines – Requirements and test methods”, as amended from time to time, when tested by the test methods indicated in that Standard;
   “carrier” means the operator of a waste transportation system;
   “cell”, in respect of a landfilling site, means a deposit of waste that has been sealed by cover material so that no waste deposited in the cell is exposed to the atmosphere;
   “characteristic waste” means hazardous waste that is,
(a) corrosive waste,
(b) ignitable waste,
(c) leachate toxic waste, or
(d) reactive waste;

“commercial waste” includes asbestos waste;

“commercial waste chemical” means a waste that is or contains a commercial chemical product or manufacturing chemical intermediate of a specified generic name and includes,

(a) an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name,

(b) residues or contaminated material from the clean-up of a spill of a commercial chemical product or manufacturing chemical intermediate of the specified generic name or of an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name, or

(c) an empty container or the liner from an empty container that contained a commercial chemical product or manufacturing chemical intermediate of the specified generic name or an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name, or residues or contaminated materials from the clean-up of a spill of any of them, unless the empty container or the liner from the empty container has been triple rinsed,

but, except as specified in clause (a), (b) or (c), does not include a waste stream or waste material contaminated with material of the specified generic name;

“common mercury waste” means,

(a) electrical switches, thermostats or fluorescent lamps that contain mercury and that are damaged, worn out or discarded,

(b) thermometers, barometers or other measuring devices that contain mercury and that are damaged, worn out or discarded,

(c) discarded material that contains mercury from dental procedures carried out by a member of the Royal College of Dental Surgeons of Ontario;

“common mercury waste recovery facility” means a site at which common mercury waste is received for recovery of mercury and at which no disposal of common mercury waste or of mercury takes place;

“composting” means the treatment of waste by aerobic decomposition of organic matter by bacterial action for the production of stabilized humus;

“corrosive waste” means,

(a) a waste that is aqueous and has a pH less than or equal to two or greater than or equal to 12.5 as determined by a pH meter,

(b) a waste that is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 millimetres per year at a test temperature of 55° Celsius using test NACE TM-01-69 or an equivalent test approved by the Director, or

(c) a waste that is a solid and, when prepared in a mixture or solution with distilled water that is 50 per cent waste by weight, has a pH less than or equal to two or greater than or equal to 12.5 as determined by a pH meter, other than,

(i) solid incinerator ash or fly-ash from a woodwaste combustor site, or

(ii) solid wastes generated by a manufacturer of pulp, paper, recycled paper, corrugated cardboard or other paper products;

“cover material” means soil or other material approved for use in sealing cells in landfilling;

“dead animal” means an animal that dies naturally or from disease or by reason of accident and includes parts thereof;

“derelict motor vehicle” means a motor vehicle that,

(a) is inoperable, and

(b) has no market value as a means of transportation, or, has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition;

“Director” means the Director of the Waste Management Policy Branch of the Ministry and includes an alternate named by him or her;

“domestic waste” includes asbestos waste;

“dump” means a waste disposal site where waste is deposited without cover material being applied at regular intervals;
“dust suppressant” means a waste used for dust suppression in accordance with a certificate of approval or provisional certificate of approval for a dust suppression waste management system;

“dust suppression site” means a waste disposal site where dust suppressant is deposited;

“electroplating” includes common and precious metal electroplating, anodizing, chemical etching and milling, and includes cleaning and stripping associated with common and precious metal electroplating, anodizing, chemical etching and milling, but does not include chromating, phosphating, immersion plating, colouring or other chemical conversion coating, electroless plating or printed circuit board manufacturing;

“empty container” means a container from which all wastes and other materials have been removed using the removal practices such as pumping or pouring commonly used for the specific materials and that contains less than 2.5 centimetres of material on the bottom of the container;

“engineered facility” means, in respect of a landfilling site, anything affixed to or made part of land that is intended to be a functional element or feature of the landfilling site for more than five years and that is created or put in place by human activity;

“existing hospital incinerator” means an incinerator put into operation before the 31st day of December, 1985 owned by a hospital within the meaning of the Public Hospitals Act at which pathological waste but no hauled liquid industrial waste or other hazardous waste is incinerated;

“fly-ash” means particulate matter removed from combustion flue gases;

“food processing and preparation operations” include food packing, food preserving, wine making, cheese making and restaurants;

“generator” means the operator of a waste generation facility;

“grinding” means the treatment of waste by uniformly reducing the waste to particles of controlled maximum size;

“hauled liquid and hazardous waste collection system” means a waste management system or any part thereof for the collection, handling, transportation, storage or processing of hauled liquid industrial waste or hazardous waste but does not include the disposal thereof;

“hauled liquid industrial waste” means liquid industrial waste transported in a tank or other container for treatment or disposal;

“hauled sewage” means,

(a) domestic waste that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste or laundry waste, and

(b) other waste that is suitable for storage, treatment or disposal in a sewage system regulated under Part 8 of the building code made under the Building Code Act, 1992, if the waste is not fully disposed of at the site where it is produced, other than,

(i) waste from a sewage works approved under section 53 of the Ontario Water Resources Act that is conveyed away from the site where it is produced by a sewer approved under that section, or

(ii) waste in a vehicle sewage holding tank;

“hazardous industrial waste” means,

(a) a waste listed as a hazardous industrial waste in Schedule 1, other than a waste described in Schedule 1.1,

(b) a mixture of a waste referred to in clause (a) and any other waste or material, or

(c) a waste derived from a waste referred to in clause (a), unless,

(i) the waste that is derived from the waste referred to in clause (a) is listed in Schedule 1.1, or

(ii) the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of the hazardous industrial waste from which it was derived;

“hazardous waste” means a waste that is a,

(a) hazardous industrial waste,

(b) acute hazardous waste chemical,

(c) hazardous waste chemical,

(d) severely toxic waste,

(e) ignitable waste,
(f) corrosive waste,
(g) reactive waste,
(h) radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission,
(i) pathological waste,
(j) leachate toxic waste, or
(k) PCB waste,
but does not include,
(l) hauled sewage,
(m) waste from the operation of a sewage works subject to the *Ontario Water Resources Act* where the works,
   (i) is owned by a municipality,
   (ii) is owned by the Crown or the Ontario Clean Water Agency, subject to an agreement with a municipality under the *Ontario Water Resources Act*, or
   (iii) receives only waste similar in character to the domestic sewage from a household,
(n) domestic waste,
(o) incinerator ash resulting from the incineration of waste that is neither hazardous waste nor liquid industrial waste,
(p) waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste and that is produced in any month in an amount less than five kilograms or otherwise accumulated in an amount less than five kilograms,
(q) waste that is an acute hazardous waste chemical and that is produced in any month in an amount less than one kilogram or otherwise accumulated in an amount less than one kilogram,
(r) an empty container or the liner from an empty container that contained hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste,
(s) an empty container of less than twenty litres capacity or one or more liners weighing, in total, less than ten kilograms from empty containers, that contained acute hazardous waste chemical,
(t) the residues or contaminated materials from the clean-up of a spill of less than five kilograms of waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste, or
(u) the residues or contaminated materials from the clean-up of a spill of less than one kilogram of waste that is an acute hazardous waste chemical;

“hazardous waste chemical” means,

(a) a commercial waste chemical listed as a hazardous waste chemical in Part B of Schedule 2, other than a waste described in Schedule 2.2,
(b) a mixture of a waste referred to in clause (a) and any other waste or material, or
(c) a waste derived from a waste referred to in clause (a), unless,
   (i) the waste that is derived from the waste referred to in clause (a) is listed in Schedule 2.2, or
   (ii) the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of the hazardous waste chemical from which it was derived;

“hospital incinerator” means an incinerator owned by a hospital within the meaning of the *Public Hospitals Act*;

“ignitable waste” means a waste that,

(a) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61°C, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pensky-Martens Closed Cup Tester (ASTM D-93-79), or as determined by an equivalent test method approved by the Director,
(b) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger,
(c) is an ignitable compressed gas (Class 2, Division 1) as defined in the regulations under the *Transportation of Dangerous Goods Act* (Canada), or

(d) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the *Transportation of Dangerous Goods Act* (Canada);

“incinerator ash” means the ash residue, other than fly-ash, resulting from incineration where the waste is reduced to ashes containing by weight less than 10 per cent of combustible materials;

“incinerator waste” means the residue from incineration, other than incinerator ash and fly-ash;

“individual collection system” means the collection of a householder’s own domestic wastes by a householder and the transportation of such wastes to a waste disposal site by the householder;

“industrial waste” means waste from,

(a) an enterprise or activity involving warehousing, storage or industrial, manufacturing or commercial processes or operations,

(b) research or an experimental enterprise or activity,

(c) an enterprise or activity to which clause (a) would apply if the enterprise or activity were carried on for profit,

(d) clinics that provide medical diagnosis or treatment, or

(e) schools, laboratories or hospitals;

“inert fill” means earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances;

“intact manifest” means a paper manifest as provided by the Ministry, with all six parts intact;

“intact waste battery” means an electric battery that is intact but is damaged, spent, worn out or discarded;

“in-vehicle sewage” means waste produced in a vehicle that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste, laundry waste or similar waste that would normally be carried away by a sewer if it were not produced in a vehicle;

“land disposal” means, with respect to a waste, the deposit or disposal of the waste upon, into, in or through land, including,

(a) the deposit of the waste at a dump,

(b) the landfilling of the waste,

(c) the discharge of the waste into a geological formation by means of a well, and

(d) the landfarming of the waste, in the case of a petroleum refining waste, and “land disposed” has a corresponding meaning;

“landfarming” means the biodegradation of petroleum refining wastes by naturally occurring soil bacteria by means of controlled application of the wastes to land followed by periodic tilling;

“landfilling” means the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals;

“leachate toxic waste” means a waste producing leachate containing any of the contaminants listed in Schedule 4 at a concentration equal to or in excess of the concentration specified for that contaminant in Schedule 4 using the Toxicity Characteristic Leaching Procedure;

“liquid industrial waste” means waste that is both liquid waste and industrial waste but does not include,

(a) hazardous waste,

(a.1) hauled sewage,

(b) waste from the operation of a sewage works described in clause (m) of the definition of “hazardous waste”,

(c) waste from the operation of a water works subject to the *Ontario Water Resources Act* or the *Safe Drinking Water Act*, 2002,

(d) waste that is produced in any month in an amount less than twenty-five litres or otherwise accumulated in an amount less than twenty-five litres,

(e) waste directly discharged by a generator from a waste generation facility into a sewage works subject to the *Ontario Water Resources Act* or established before April 3, 1957 or into a sewage system regulated under Part 8 of the building code made under the *Building Code Act, 1992*,

(f) waste that results directly from food processing and preparation operations,
(g) drilling fluids and produced waters associated with the exploration, development or production of crude oil or natural gas,
(h) processed organic waste, or
(i) asbestos waste;
“listed waste” means hazardous waste that is,
(a) an acute hazardous waste chemical,
(b) hazardous industrial waste,
(c) a hazardous waste chemical, or
(d) severely toxic waste;
“lubricating oil” means petroleum-derived or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other oil or fluid used for lubricating machinery or equipment;
“manifest” means a numbered document called a manifest that was obtained from the Ministry and includes a paper or electronic manifest;
“marine craft waste disposal system” means a waste disposal system operated by a person or a municipality for the receiving of waste from marine craft for deposit in holding tanks;
“Ministry website” means the website at www.ene.gov.on.ca;
“mixed anaerobic digestion” means anaerobic digestion of both on-farm anaerobic digestion materials and off-farm anaerobic digestion materials in the same facility;
“mixed anaerobic digestion facility” means an anaerobic digestion facility that treats both on-farm anaerobic digestion materials and off-farm anaerobic digestion materials on a farm unit on which an agricultural operation is carried out;
“mobile refrigerant waste” means refrigerant removed from the air-conditioning, heat pump, refrigeration or freezer unit of anything used for the purposes of transportation;
“mobile refrigerant waste collector” means a mobile refrigerant waste management system that collects mobile refrigerant waste it has removed from equipment in which refrigerant is used;
“mobile refrigerant waste recycler” means a mobile refrigerant waste management system that receives mobile refrigerant waste from other mobile refrigerant waste management systems and recycles it;
“municipal waste” means,
(a) any waste, whether or not it is owned, controlled or managed by a municipality, except,
   (i) hazardous waste,
   (ii) liquid industrial waste, or
   (iii) gaseous waste, and
(b) solid fuel, whether or not it is waste, that is derived in whole or in part from the waste included in clause (a);
“non-aqueous waste” means waste that is not aqueous waste;
“non-hazardous solid industrial waste” means industrial waste that is not liquid industrial waste and is not hazardous waste and includes asbestos waste;
“off-farm anaerobic digestion materials” means anaerobic digestion materials that are not generated at an agricultural operation and that are received at an agricultural operation from an outside source;
“on-farm anaerobic digestion materials” means anaerobic digestion materials that are generated at an agricultural operation;
“on-site grinder” means a grinder,
(a) used for the treatment of waste that is subsequently discharged as sewage, and
(b) located in a building or structure used principally for functions other than waste management;
“on-site incinerator” means an incinerator located at a site used principally for functions other than waste management in which only waste generated on that site is incinerated;
“on-site road” means a road for the movement of vehicles and equipment within a waste disposal site;
“on-site thermal treatment equipment” means thermal treatment equipment located at a site used principally for functions other than waste management in which only waste generated on that site is subject to thermal treatment, and includes an on-site incinerator;

“organic soil conditioning” means the incorporation of processed organic waste in the soil to improve its characteristics for crop or ground cover growth;

“packing and baling” means the treatment of waste by its compression into blocks or bales and binding or sheathing the blocks with wire, metal, plastic or other material;

“pathological waste” means,

(a) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and the like, that are not infectious,

(b) any part of the carcass of an animal infected with a communicable disease or suspected by a licensed veterinary practitioner to be infected with a communicable disease,

(c) non-anatomical waste infected with communicable disease,

(d) a mixture of a waste referred to in clause (a), (b) or (c) and any other waste or material, or

(e) a waste derived from a waste referred to in clause (a), (b) or (c), unless the waste that is derived from the waste referred to in clause (a), (b) or (c) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of pathological waste referred to in clause (a), (b) or (c);

“PCB” has the same meaning as in Regulation 362 of the Revised Regulations of Ontario, 1990 (Waste Management — PCBs) made under the Act;

“PCB waste” has the same meaning as in Regulation 362 of the Revised Regulations of Ontario, 1990 (Waste Management — PCBs) made under the Act;

“processed organic waste” means waste that is predominantly organic in composition and has been treated by aerobic or anaerobic digestion, or other means of stabilization, and includes sewage residue from sewage works that are subject to the provisions of the Ontario Water Resources Act;

“radioactive waste” includes,

(a) a mixture of radioactive waste and any other waste or material, and

(b) a waste derived from radioactive waste, unless the waste that is derived from the radioactive waste is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of radioactive waste;

“reactive waste” means a waste that,

(a) is normally unstable and readily undergoes violent change without detonating,

(b) reacts violently with water,

(c) forms potentially explosive mixtures with water,

(d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,

(e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between two and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,

(f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,

(g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,

(h) is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act (Canada);

“receiver” means the operator of any facility to which waste is transferred by a carrier;

“Regional Director” means a Director appointed under section 5 of the Act and responsible for a region established by the Ministry for administrative purposes, but does not mean the Director of the Waste Management Policy Branch of the Ministry or an alternate named by him or her;

“regulated mixed anaerobic digestion facility” means a mixed anaerobic digestion facility that is regulated under Part IX.1 of Ontario Regulation 267/03 (General) made under the Nutrient Management Act, 2002 and is not subject to the requirements of a certificate of approval or a provisional certificate of approval of a waste management system or waste disposal site under Part V of the Environmental Protection Act;
“scavenging” means the uncontrolled removal of reusable material from waste at a waste disposal site;  
“Section 39 Director” means a Director appointed under section 5 of the Act for purposes of section 39 of the Act;  
“severely toxic waste” means,  
(a) a waste that contains a contaminant listed as a severely toxic contaminant in Schedule 3 at a concentration greater than one part per million,  
(b) a mixture of a waste referred to in clause (a) and any other waste or material, or  
(c) a waste derived from a waste referred to in clause (a), unless the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of severely toxic waste referred to in clause (a);  
“site” means one property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway;  
“soil mixture” includes a mixture of soil and liquids, sludges or solids, where,  
(a) the mixture cannot be separated by simple mechanical removal processes; and  
(b) based on visual inspection, the volume of the mixture is made up primarily of soil or other finely divided material that is similar to soil;  
“stationary refrigerant waste” means refrigerant that is not mobile refrigerant waste and that is removed from an air-conditioning unit, heat pump, refrigeration or freezer unit;  
“stationary refrigerant waste collector” means a stationary refrigerant waste management system that collects stationary refrigerant waste it has removed from equipment in which refrigerant is used;  
“stationary refrigerant waste recycler” means a stationary refrigerant waste management system that receives stationary refrigerant waste from other stationary refrigerant waste management systems and recycles it;  
“subject waste” means,  
(a) liquid industrial waste, and  
Note: On December 31, 2009, clause (a) is revoked and the following substituted:  
(a) liquid industrial waste,  
See: O. Reg. 461/05, ss. 1 (22), 29 (5).  
(b) hazardous waste,  
Note: On December 31, 2009, clause (b) is revoked and the following substituted:  
(b) hazardous waste, and  
(b.1) waste that was characteristic waste but that has been treated so that it is no longer characteristic waste, if the waste may not be disposed of by land disposal under subsection 79 (1),  
See: O. Reg. 461/05, ss. 1 (22), 29 (5).  
but does not include waste described in subsection (3);  
“thermal treatment” includes incineration, gasification, pyrolysis or plasma arc treatment;  
“thermal treatment site” means a waste disposal site where thermal treatment is used;  
“total waste disposal volume” means, for a landfilling site, the maximum volume of waste, including the volume of any daily or intermediate cover, to be deposited at the site in the space extending from the base of the waste fill zone or the top of any engineered facilities located on the base of the site to the bottom of the final cover;  
“Toxicity Characteristic Leaching Procedure” means the Toxicity Characteristic Leaching Procedure, Method 1311, that appears in United States Environmental Protection Agency Publication SW-846 entitled “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, as amended from time to time, or a test method that the Director has approved in writing as equivalent;  
“transfer” means physical transfer of possession;  
“transfer station” means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site;  
“treatment code” means a code listed as a treatment code in Schedule 7;  
“vehicle” includes a rail car;
“vehicle sewage holding tank” means a device permanently mounted in or on a vehicle to receive in-vehicle sewage produced in the vehicle;

“waste battery recovery facility” means a site at which intact waste batteries are received for recovery of battery components and at which no disposal of intact waste batteries or of recovered battery components takes place;

“waste biomass” means organic matter that is derived from a plant or animal, that is available on a renewable basis and that is,
(a) waste from harvesting or processing agricultural products or forestry products,
(b) waste resulting from the rendering of animals or animal by-products,
(c) solid or liquid material that results from the treatment of wastewater generated by a manufacturer of pulp, paper, recycled paper or paper products, including corrugated cardboard,
(d) waste from food processing and preparation operations, or
(e) woodwaste;

“waste electrical and electronic equipment” has the same meaning as in Ontario Regulation 393/04 (Waste Electrical and Electronic Equipment) made under the Waste Diversion Act, 2002;

“waste fill zone” means the three-dimensional zone in which waste is disposed of by landflling;

“waste generation facility” means those facilities, equipment and operations that are involved in the production, collection, handling or storage of waste at a site;

“waste transportation system” means those facilities, equipment and operations that are involved in transporting waste beyond the boundaries of a site or from site to site;

“waste-derived fuel” means waste that,
(a) is hazardous waste, liquid industrial waste, waste described in clause (p), (q), (r), (s), (t) or (u) of the definition of “hazardous waste” or waste described in clause (d) of the definition of “liquid industrial waste”,
(b) contains not more than 5 milligrams per kilogram arsenic, not more than 2 milligrams per kilogram cadmium, not more than 10 milligrams per kilogram chromium, not more than 50 milligrams per kilogram lead, not more than 2 milligrams per kilogram PCBs (as defined in Regulation 362 of the Revised Regulations of Ontario, 1990) and not more than 1,500 milligrams per kilogram total halogens,
(c) has a flash point of at least 38°C as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pensky-Martens Closed Cup Tester (ASTM D-93-79) or an equivalent test method approved by the Director,
(d) has a quality as fuel not worse than commercially available low grade fuel, and
(e) is located at or destined for a waste-derived fuel site, where it will be wholly utilized as a fuel or fuel supplement in a combustion unit;

“waste-derived fuel site” means a waste disposal site where waste-derived fuel is wholly utilized as a fuel or fuel supplement in a combustion unit used principally for functions other than waste management and the site may include blending or bulking facilities but may not include facilities for treatment or processing of waste-derived fuel generated off the site;

“woodwaste” means waste,
(a) that is wood or a wood product, including tree trunks, tree branches, leaves and brush,
(b) that is not contaminated with chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol or creosote, and
(c) from which easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose, have been removed,
but does not include,
(d) an upholstered article, or
(e) an article to which a rigid surface treatment is affixed or adhered, unless the rigid surface treatment is predominantly wood or cellulose;

“woodwaste combustor site” means a waste disposal site where woodwaste is subject to thermal treatment or wholly utilized as a fuel or fuel supplement in a combustion unit. R.R.O. 1990, Reg. 347, s. 1; O. Reg. 240/92, s. 1; O. Reg. 501/92, s. 1; O. Reg. 555/92, s. 1; O. Reg. 105/94, s. 1; O. Reg. 190/94, s. 1; O. Reg. 512/95, s. 1; O. Reg. 157/98, s. 1; O. Reg. 460/99, s. 1; O. Reg. 558/00, s. 1 (1-11); O. Reg. 501/01, s. 1; O. Reg. 323/02, s. 1; O. Reg. 461/05, s. 1 (1-21, 23-25); O. Reg. 102/07, s. 1 (1-6); O. Reg. 280/07, s. 1; O. Reg. 292/07, s. 1; O. Reg. 395/07, s. 1; O. Reg. 217/08, s. 1 (1).
(1.1) For the purpose of better understanding the definition of “engineered facility” in subsection (1), the following things are examples of common engineered facilities, if they are intended to be functional elements or features of a landfilling site for more than five years:

1. Berms.
2. Drainage ditches.
3. Liners.
5. Pumps.
6. Facilities to detect, monitor, control, collect, redirect or treat leachate, surface water or ground water.
7. Facilities to detect, monitor, control, collect, redirect, treat, utilize or vent landfill gas. O. Reg. 217/08, s. 1 (2).

(2) For the purpose of this Regulation, a waste is derived from a hazardous waste if it is produced from the hazardous waste by blending, stabilization, processing, treatment or disposal. O. Reg. 558/00, s. 1 (12).

(3) The definition of “subject waste” in subsection (1) does not include the following wastes:

1. Waste from the servicing of motor vehicles at a retail motor vehicle service station or service facility that has a written agreement for the collection and management of such waste with a waste management system approved under Part V of the Act for the purposes.
2. Intact waste batteries destined for a waste battery recovery facility.
3. Common mercury waste destined for a common mercury waste recovery facility.
4. Waste electrical and electronic equipment that is intact and is destined for a site at which it is to be processed for the recovery of materials.
5. Printed circuit boards that are waste, are intact and are destined for a site at which they are to be processed for the recovery of materials.
6. Waste from,
   i. a nursing home under the Nursing Homes Act,
   ii. a home under the Homes for the Aged and Rest Homes Act,
   iii. a home for special care under the Homes for Special Care Act,
   iv. the professional office of a member of the Royal College of Dental Surgeons of Ontario, or
   v. the professional office of a member of the College of Physicians and Surgeons of Ontario. O. Reg. 102/07, s. 1 (7).

DESIGNATION AND EXEMPTION OF WASTES

2. (1) The following are designated as wastes:

1. Dust suppressant.
2. Inert fill.
3. Processed organic waste.
4. Material that consists solely of waste from one or more of the categories set out in Schedule 1, 2 or 3 of Ontario Regulation 101/94 and that either,
   i. has been separated from other kinds of waste at the source of the material, or
   ii. comes from a waste disposal site.
5. Rock fill or mill tailings from a mine.
9. Used tires that have not been refurbished for road use.
10. Stationary refrigerant waste.
11. Mobile refrigerant waste.
12. Woodwaste.
14. Residue from an industrial, manufacturing or commercial process or operation, if the residue leaves the site where the process or operation is carried on.
15. Hauled sewage.
16. Used lubricating oil. O. Reg. 555/92, s. 2; O. Reg. 105/94, s. 2 (1); O. Reg. 128/98, s. 1; O. Reg. 157/98, s. 2; O. Reg. 280/07, s. 2.

(2) The following materials from the time they leave a construction site or a demolition site are designated wastes:
   1. Brick.
   2. Corrugated cardboard.
   3. Concrete.
   4. Drywall.
   5. Steel.

(3) A designation set out in subsection (2) does not apply to material leaving a construction site or demolition site that is being delivered,
   (a) to the vendor of the material for resale as construction material;
   (b) to permanent premises of the person undertaking the construction or the person on whose behalf the construction is undertaken, for use as construction material by or for the person; or
   (c) to permanent premises of the person undertaking the demolition or the person on whose behalf the demolition is undertaken, for use as construction material by or for the person. O. Reg. 105/94, s. 2 (2).

3. (1) The following wastes are exempted from Part V of the Act and this Regulation:
   1. Agricultural wastes.
   2. Condemned animals or parts thereof at a plant licensed under the Meat Inspection Act (Ontario) or an establishment operating under the Meat Inspection Act (Canada).
   3. Dead animals to which the Dead Animal Disposal Act applies
   4. REVOKED: O. Reg. 157/98, s. 3.
   5. Inert fill.
   6. Rock fill or mill tailings from a mine.
   7. Material set out in subsection (2). R.R.O. 1990, Reg. 347, s. 3; O. Reg. 105/94, s. 3 (1); O. Reg. 157/98, s. 3.

(2) The material referred to in paragraph 7 of subsection (1) is any of the following:
   1. Municipal waste, hazardous waste or liquid industrial waste, other than used or shredded or chipped tires, transferred by a generator for direct transportation to a site,
      i. to be wholly used at the site in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management if the process or operation does not involve combustion or land application of the waste,
      ii. to be promptly packaged for retail sale to meet a realistic market demand, or
      iii. to be offered for retail sale to meet a realistic market demand.
   2. Municipal waste, consisting solely of waste from a single category of waste set out in Schedule 1, 2 or 3 of Ontario Regulation 101/94, transferred by a generator and destined for,
      i. a waste disposal site that, but for the exemption in section 5 of Ontario Regulation 101/94, would be a municipal waste recycling site to which Part IV of that regulation applies and that is located at a manufacturing establishment that uses all the output, other than residues, of the site, or
      ii. a site for use at the site in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management if the process or operation does not involve combustion or land application of the waste.
   3. Residue remaining after metal is recovered from wire and cable and transferred by a generator for direct transportation to a site at which it will be processed for recovery of metal and plastic using a process that does not involve combustion of the residue or any part of the residue.
4. Chipped wood, other than chipped painted wood, chipped treated wood or chipped laminated wood, intended for use as ground cover.

5. Waste wood, other than painted wood, treated wood or laminated wood, transferred by a generator and destined for a site at which it is to be chipped for eventual use as ground cover.

6. Pickle liquor transferred by a generator for direct transportation to a site at which it is to be wholly utilized as a treatment chemical in,
   i. a sewage works that is subject to the Ontario Water Resources Act,
   i.1 a sewage works outside Ontario, if the utilization of pickle liquor for this purpose is acceptable to the environmental regulatory authority in the jurisdiction where the sewage works is located, or
   ii. a wastewater treatment facility that discharges into a sanitary sewer.

7. Solid photographic waste that contains silver, including spent chemical recovery cartridges that contain silver, transferred by a generator and destined for a site at which it is to be processed for recovery of silver.

8. Waste paint or waste coatings transferred by a generator and destined for a site at which the waste is to be used in an ongoing manufacturing process for the production of paint or coatings, if the process does not involve combustion of the waste and the paint or coatings that are produced are not used as fuel.

9. Emission control dust from the primary production of steel in electric furnaces, if the dust is transferred by a generator for direct transportation to a site at which it is to be used as a feedstock in an ongoing high temperature metal recovery process in a rotary kiln, flame reactor, electric furnace, plasma arc furnace, slag reactor, industrial furnace or combination of a rotary hearth furnace and electric furnace.

10. Spent activated carbon transferred by a generator for direct transportation to a site at which it is to be used in a process to reactivate activated carbon.

11. Metal bearing waste, other than lead acid batteries or aqueous waste, that is transferred by a generator for direct transportation to a smelter at which the waste is to be used as a feedstock in an ongoing operation for the recovery of metal, including waste that, for the purpose of being used as a feedstock, is processed through size reduction, blending, calcining, roasting, sintering, drying, pelletizing, cleaning, leaching or separation of solids from liquids, but not including waste that, for the purpose of being used as a feedstock, is processed in any other manner.

12. Printed circuit boards that are waste and that are transferred by a generator and destined for a smelter at which they are to be used as a feedstock in an ongoing operation for the recovery of metal.

13. Waste that is to be processed and used at the same site where it is generated, if,
   i. neither the processing nor the use of the waste involves combustion or land application of the waste, and
   ii. the waste is not PCB waste, soil or a soil mixture.

14. Waste biomass transferred by a generator and destined for a site at which it is to be used as a feedstock in the production of ethanol or biodiesel, whether or not it is processed before it is used as a feedstock and whether or not it is processed before it is received at the site at which it is to be used as a feedstock.

15. Crumb rubber recovered from used, chipped or shredded tires and destined for use as a feedstock in the production of rubber products other than fuel products.

16. Waste glass that is to be used as aggregate in pipe bedding or in the subsurface of roads or parking areas.

17. Waste asphalt pavement transferred by a generator for direct transportation to,
   i. a site at which it is to be used as construction aggregate, or
   ii. a site at which waste asphalt pavement is processed for use as construction aggregate and at which no disposal of waste or processed waste takes place.

18. Waste asphalt pavement transferred by a generator for direct transportation to a site at which waste asphalt pavement is stored for use as construction aggregate, if,
   i. the waste asphalt pavement is stored at least 30 metres away from the nearest watercourse, lake or pond, or there are engineered works in place to prevent the waste from having any adverse effect on any watercourse, lake or pond, and
   ii. the waste asphalt pavement is stored at,
      A. a construction area for not more than 120 days,
      B. a permanent place of business for a person who is in the business of construction,
      C. a pit or quarry for which a permit or licence has been issued under the Aggregate Resources Act,
D. a road works yard owned by a municipality or the Crown in right of Ontario, or
E. a place that is at least 100 metres from the nearest dwelling.

19. Waste asphalt shingles transferred by a generator and destined for a site at which they will be used as aggregate or surface layer in the construction of walkways for pedestrian use, roads or parking areas, if, before being used for that purpose, the shingles are processed at a site at which the only processing that occurs is sorting, size reduction and the removal of other wastes from the shingles.

20. Organic waste from food processing and preparation operations or operations for the sale or distribution of food, if,
   i. the waste is transferred by a generator and destined for a site at which the waste will be used in an ongoing agricultural, commercial, manufacturing or industrial process or operation, whether or not it is processed before it is used in the process or operation and whether or not it is processed before it is received at the site at which it will be used in the process or operation, and
   ii. the agricultural, commercial, manufacturing or industrial process or operation does not involve combustion or land application of the waste.

21. Waste that is anaerobic digestion output generated by a regulated mixed anaerobic digestion facility on an agricultural operation and that is intended for application on agricultural land as nutrient. O. Reg. 105/94, s. 3 (2); O. Reg. 128/98, s. 2 (1); O. Reg. 461/05, s. 2; O. Reg. 102/07, s. 2 (1); O. Reg. 395/07, s. 2 (1).

(3) Despite subsection (1), material that is referred to in subparagraph 1 i or paragraph 6, 9, 10 or 11 of subsection (2) is exempt from Part V of the Act and this Regulation only if the carrier has in his or her possession while transporting the material a document from the owner or operator of the site to which the material is being transported that,
   (a) indicates that the owner or operator of the site to which the material is being transported agrees to accept the material;
   (b) specifies the use that will be made of the material; and
   (c) if the paragraph of subsection (2) that refers to the material refers to an ongoing process or operation, stipulates that the process or operation is ongoing at the time the material is being transported. O. Reg. 102/07, s. 2 (2).

(3.1) Despite subsection (1), material that is referred to in paragraph 7 or 8 of subsection (2) is exempt from Part V of the Act and this Regulation only if,
   (a) every carrier has in his or her possession while transporting the material a document from the owner or operator of the site to which the material is destined that,
       (i) indicates that the owner or operator of the site to which the material is destined agrees to accept the material,
       (ii) specifies the use that will be made of the material, and
       (iii) if the material is referred to in paragraph 8 of subsection (2), stipulates that the manufacturing process referred to in that paragraph is ongoing at the time the material is being transported; and
   (b) the owner or operator of every site to which the material is delivered and at which the material is collected, handled, stored or transferred before reaching the site to which the material is destined has in his or her possession while collecting, handling, storing or transferring the material a document from the owner or operator of the site to which the material is destined that,
       (i) indicates that the owner or operator of the site to which the material is destined agrees to accept the material,
       (ii) specifies the use that will be made of the material, and
       (iii) if the material is referred to in paragraph 8 of subsection (2), stipulates that the manufacturing process referred to in that paragraph is ongoing at the time the material is being collected, handled, stored or transferred. O. Reg. 102/07, s. 2 (2).

(3.2) If a waste referred to in paragraph 13 of subsection (2) is one of the following types of waste, any residue from the processing of the waste shall be deemed, for the purposes of this Regulation, to be a waste derived from a waste referred to in clause (a) of the definition of that type of waste in subsection 1 (1):
   1. Acute hazardous waste chemical.
   2. Hazardous industrial waste.
   3. Hazardous waste chemical.
   4. Severely toxic waste. O. Reg. 102/07, s. 2 (2).

(3.3) Paragraph 20 of subsection (2) does not apply to organic waste from food processing and preparation operations or operations for the sale or distribution of food, if the waste is transferred by a generator and destined for a site at which the waste will be subject to anaerobic digestion, composting or any other process or operation that results in the production of material intended for land application. O. Reg. 395/07, s. 2 (2).
(4) In subsection (2),
“ground cover” means,
(a) mulch,
(b) landscaping material, or
(c) surfacing material for,
   (i) trails or walkways for pedestrian use,
   (ii) trails or paths for use by livestock or other animals,
   (iii) pens or enclosures for livestock or other animals,
   (iv) playgrounds,
   (v) parking areas, or
   (vi) private roads. O. Reg. 128/98, s. 2 (2).
Council Direction:

Not applicable.

Information:

The purpose of this Report is to provide Members of the Economic Development and Planning Committee with an update on the study currently being undertaken for Private Waste Disposal Sites which will develop a strategy and implementation plan for addressing issues related to such operations.

1.0 Background

In Ontario, the operation of a private waste disposal site requires the issuance of a “Certificate of Approval” pursuant to Part V of the Environmental Protection Act. The Certificate is a legally binding document that is administered by the Ontario Ministry of the Environment (MOE). 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, and compliance with legislative and policy requirements. The Certificate of Approval stipulates the types of wastes that these operations can process. As part of their review process, the MOE requests affected municipalities to provide comments on new and amended Certificate of Approval applications. In Hamilton, planning staff prepare a report for the consideration of the Economic Development and Planning Committee (ED&PC), which makes recommendations to the MOE on the applications, including appropriate conditions.
Once ratified by Council, the recommendations are sent to the MOE. The MOE then makes a decision on the application on the basis of the recommendations received, in addition to various technical and environmental considerations. Over the past years there have been a number of planning issues that have come into play during the review of Certificate of Approval applications for private waste disposal facilities in Hamilton and, in particular, issues related to organic waste transfer and processing facilities. The issues are largely concerned with nuisances such as odours and their impacts on sensitive land uses. Such issues have been reflected by concerns raised by citizens in the community with respect to various Certificate of Approval applications.

Vision 2020, the City of Hamilton’s strategy for a sustainable community, contains goals and actions aimed at the effective reduction and safe management of waste. The City of Hamilton has a historical setting of heavy industrial and residential land uses located within proximity of each other. At the time of preparation, most of the local planning documents in the amalgamated City of Hamilton did not anticipate the range of recycling and waste management industries that are being processed today under Certificate of Approval legislation. The City’s current Zoning By-laws do not specifically define these uses and permit them depending on whether or not they are deemed to have noxious impacts or categorize them as “warehouses” and “materials” and permit them on that basis. Other than general policies respecting industrial land uses in the Official Plans, there are no comprehensive policies or criteria by which private waste disposal facilities can be evaluated.

In the absence of municipal planning policy and regulation, the only opportunity for the City to provide input on proposed private waste disposal sites is by commenting to the Province when circulated Certificate of Approval applications. Once a Certificate of Approval is issued by the MOE, the City is often requested to comment on amendments to revise the operation or increase the intensity of the use. Therefore, to date, the City’s review of these applications has taken place on an ad-hoc basis. Furthermore, the number and intensity of these sites in Hamilton has resulted in concern with respect to the cumulative impacts on nearby sensitive land uses and the perpetuating negative image of the City through continued concentrations everywhere. City Council has also expressed concern with respect to the enforcement and monitoring of Certificates of Approval by the MOE.

In light of the above, Planning staff has recently retained the services of Jacques Whitford Limited through a Request for Quotation to complete a planning study on private waste disposal sites, including refinement of the Terms of Reference. With a branch office operating in Burlington, the firm has significant experience in the areas of Municipal Waste Management Policy and Facility Permitting. This experience includes the recent development of the City of Hamilton’s Solid Waste Management Master Plan, waste audits, and the Niagara Hamilton “WastePlan” Environmental Assessment Study.

2.0 Purpose of Study

The purpose of the study is to determine if private waste disposal sites should/must be permitted within the City and, if so, to recommend a preferred strategy and an
implementation plan for addressing them. The recommendations will form the basis for new policy direction in the City’s Official Plan as part of the Official Plan Reform program and new zoning regulations as part of the Zoning By-law Reform program. The study will provide a balanced approach to the provision of private waste disposal sites in Hamilton, considering economic (including the City’s economic development strategy), environmental and social implications. It will also consider the full range of uses included as “private waste disposal facilities”, including both non-hazardous and hazardous solid and liquid waste transfer and processing facilities (especially organic wastes) and power generation facilities.

The following steps will need to be undertaken to complete the study:

1. Confirmation of the general methodology and study approach. The consultant’s key staff, a detailed work plan, and consultant’s staff time and rates must be established.

2. Collection by the consultant of all relevant background research for a compendium, including:
   i) Provincial legislation, guidelines and processes;
   ii) enforcement and monitoring procedures;
   iii) compliant records;
   iv) an inventory of existing private waste disposal sites in Hamilton; and,
   v) a survey of other municipalities’ policies, regulations and best practices.

3. Evaluation and analysis of the alternative strategies and a preferred strategy for Hamilton with an implementation plan.

4. As work proceeds under the direction of the City’s project management team, a steering committee will need to review and provide feedback on key components.

   It is suggested that the committee be made up of representatives from the following:

   i) Planning and Economic Development Department
      • Strategic Planning/Special Projects Division
      • Planning Division
      • Building Services Division
      • Economic Development and Real Estate Division

   ii) Public Works Department
      • Traffic Engineering and Operations Section
      • Water and Wastewater Division
      • Waste Management Division

   iii) Public Health Protection Branch

   iv) Hamilton Emergency Services Department
v) Ontario Waste Management Association

5. The Ministry of Municipal Affairs and Housing and the Ministry of the Environment must be consulted.

6. At least one Public Information Meeting be held to present the alternative and preferred strategies and implementation plan. This information will be incorporated into the study report.

7. Presentation of the study by the consultant at the ED&PC.

8. Statutory Open House(s) and Public Meeting(s) at the ED&PC with notice given in accordance with the Planning Act to consider the proposed Official Plan and Zoning By-law Amendments prior to Council adoption.

3.0 Deliverables and Timing

The study will comprise a background/research compendium of the issues relating to the different types of private waste disposal facilities, an evaluation/analysis of the alternative strategies for regulating them, and the preferred strategy with an implementation plan. The consultant will be responsible for arranging the Public Information Meeting(s) to present this information. A sufficient number of hard copies and an electronic copy of the study will be supplied for circulation to various City departments and outside agencies, for posting on the City’s web site, and for presentation by the consultant at the ED&PC.

The Public Information Meeting(s) is expected in June 2008 and presentation of the study’s findings to the ED&PC is expected in September 2008. Depending on the findings and recommendations of the study, the Department may recommend that the City proceed immediately with amendments to the existing Official Plans and Zoning By-laws rather than wait to incorporate the amendments into the City’s new Official Plan and comprehensive Zoning By-law in the Spring of 2009.

Further updates will be provided as the study progresses.

____________________
Tim McCabe
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Planning and Economic Development Department

RW: dkm