SUBJECT: Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site,) Ministry of Environment Reference #0897-652R28, PSC Industrial Services Canada Inc., Located at 52 Imperial Street, (Hamilton) (PED06002) (Ward 3)

RECOMMENDATION:

That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that, should the Ministry approve the application CA-05-02, PSC Industrial Services Canada Inc., applicant, for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site to replace existing bulk storage tanks with an equal volume of drummed waste storage, to increase the approved service area to include all of North America, and to permit the storage of additional waste classes within an existing facility at 52 Imperial Street, as shown on Appendix “A” to Report PED06002, the City of Hamilton requests the following to be undertaken:

(a) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which are required for modifications to the existing building to accommodate the proposed drum operation storage facility.

(b) That the Ministry of Environment thoroughly reviews for compatibility the types of waste classes proposed to be stored/handled at this facility through any amendment to the existing Certificate of Approval.

(c) That the amended Provisional Certificate of Approval requires that a sufficient bond be provided for financial assurance for the removal of any materials left on the site should operations end.
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(d) That the amended Provisional Certificate of Approval includes a requirement that a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

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

(f) That a copy of Report PED06002 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

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

__________________________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant, PSC Industrial Services Canada Inc., has applied to the Ministry of Environment (MOE) for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site (waste transfer/processing) in order to permit the replacement of existing bulk storage tanks with a maximum of 424 drums (45 gallon drums) or 86,739 litres and include additional waste streams, including acid solutions (sludges and residues containing heavy metals), alkaline solutions (metal finishing wastes, i.e. copper, zinc), aqueous salts (sludges containing zinc, cadmium), fuels (spill clean-up residues) and non-putrescribe food wastes (i.e. pickle juices). No increase in volume storage or processing is being requested. The applicant currently operates out of a building located at the east limit of Imperial Street, which contains the existing waste transfer/processing facilities, offices and storage areas. Also, the service area proposed for this facility is all of North America from the current approved area of the Province of Ontario.

The Ministry of Environment requests affected municipalities to provide comments on new and amended Certificate of Approval applications. The MOE then makes a decision on the application, on the basis of the comments received, in addition to various technical and environmental considerations. Comments from the City of Hamilton on Certificate of Approval applications are forwarded to the MOE.
The recommendation is to request that MOE include a number of conditions for the applicant to comply with prior to granting any amendment to the existing Certificate of Approval application, and the inclusion of additional amendments to the existing Certificate of Approval.

**BACKGROUND:**

What is a Certificate of Approval

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

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

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

**ANALYSIS/RATIONALE:**

The applicant, PSC Industrial Canada Inc., has applied to the Ministry of Environment for an Amendment to an existing Provisional Certificate of Approval for a waste disposal site (waste transfer/processing) in order to permit the replacement of two existing bulk storage tanks with a maximum of 424 drums (45 gallon drums) or 86,739 litres and include additional waste streams, including acid solutions (sludges and residues containing heavy metals), alkaline solutions (metal finishing wastes, i.e. copper, zinc), aqueous salts (sludges containing zinc, cadmium), fuels (spill clean-up residues) and non-putrescribe food wastes (i.e. pickle juices). No increase in the current volume storage or processing is being requested. The applicant currently operates out of a building located at the east limit of Imperial Street, which contains the existing waste transfer/processing facilities, offices and storage areas. Minor alterations are planned to the interior of the current building (see Appendix “B”) including the demolition and removal of some existing containment walls for the existing interior bulk storage tanks,
and the construction of new concrete containment walls to accommodate the proposed drum storage format, as shown on Appendix “C”.

The facility is currently authorized to operate a waste transfer and processing facility, for a variety of solid and liquid hazardous and non-hazardous wastes, such as residues from steel making, alkaline solutions, sludges and residues, liquid tannery waste sludges, wastes from the use of paint pigments and coating, etc. A waste stabilization process is used to treat liquid wastes and wastes which leach inorganic compounds. The process involves mixing wastes with a reagent and curing mixture. Once treated, certain wastes may be stabilized and reclassified as non-hazardous. The leachability of hazardous wastes may be reduced. Once treated, wastes are transferred to an approved waste disposal facility.

City Departments including: Hamilton Emergency Services – Fire Prevention Division; Public Works, Waste Management Division and, Water and Wastewater Division; and the Public Health and Community Services, Health Protection Branch have all reviewed this proposal and have indicated that they have no objections to the proposed drum storage to replace the existing bulk storage on site, the increased service area to include all of North America, and with the additional waste streams that are proposed for the facility. However, it has been requested by staff that the Ministry of Environment, through the MOE Certificate of Approval, ensure compatibility for the additional types of waste classes proposed with all wastes currently permitted to be received at this facility. A recommendation is included in this report requesting the Ministry of Environment to address this concern. Also, staff has identified the importance that standard operating practices (i.e. housekeeping of materials, spill and fire prevention measures), as governed by the Certificate of Approval, are strictly adhered to.

Existing Certificate of Approval

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

- The Company may operate the Site 24 hours a day, seven days a week.
- The Company currently accepts waste generated within the Province of Ontario.
- A maximum storage of 20,000 tonnes (or equivalent liquid) measure of waste, including waste that has been processed and for the waste that is being processed. Included in this total is a maximum of 250 tonnes of asbestos waste.
- All processing, transfer and storage of waste, products used in the processing of wastes must be done indoors, with the exception of off loading waste for immediate transfer indoors and where appropriate containers are used.
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- Hazardous Industrial Waste may be received at this site for the purpose of stabilization, solidification or bulking subject to compatibility requirements.

- A required record keeping process, closure plan, financial insurance and contingency plan is required.

Proposed Amendment

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

**ALTERNATIVES FOR CONSIDERATION:**

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

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

   The City could request MOE to deny the Certificate of Approval application.

2. **Request MOE to Incorporate the City’s Conditions**

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

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- Financial – N/A.

- Staffing – N/A.

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

Provincial Policy Statement

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

Region of Hamilton-Wentworth Official Plan

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

City of Hamilton Official Plan

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

Hamilton Zoning By-law

The subject lands are zoned “K” (Heavy Industrial) District, permitting the existing waste disposal, which permits the temporary storage/processing of waste material.

RELEVANT CONSULTATION:

The Fire Prevention Division, Hamilton Emergency Services, has advised that after inspections of the subject operations on November 3 and November 9, 2005, they have no objections to the application.

The Waste Management Division, Public Works Department, has advised that they have no objections to the application subject to all conditions on the original Certificate of Approval remaining in effect; and that maximum storage times for materials are adhered to; a sufficient Bond is posted for any materials left on site should operations end; and sufficient storage is available for waste received.

The Water and Wastewater Division, Public Works Department, has advised that they have no objections to the application from a sewer use standpoint.
The Health Protection Branch, Public Health & Community Services Department, has advised that they have no objections to the application subject to the following:

- Proper refurbishing of the containment area be undertaken.
- A thorough review be conducted by the Ministry of the Environment for the types of waste classes proposed to be stored/handled at the site for compatibility (i.e. acids, alkalis, etc.).
- Excellent housekeeping practices be employed for classes which are approved (i.e. storage/segregation/labelling).
- Adequate spill response/fire control measures are in effect.
- Strict adherence to all other department/agency requirements including the Ministry of the Environment, Ministry of Labour and the City of Hamilton Fire Prevention Office.

The Building and Licensing Division, Planning and Economic Development Department, has no objections to the application, subject to issuance of a building permit in the normal manner.

Departments and Agencies having no comment or objection

- Traffic Engineering & Operations Section, Public Works Department.

PUBLIC CONSULTATION:

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

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

Community Well-Being is enhanced. ☑ Yes  ☐ No

Community well-being is safeguarded by providing for continued opportunities for recycling.

Environmental Well-Being is enhanced. ☑ Yes  ☐ No

Waste is reduced and recycled.
A wider range of materials can be collected and recycled.

Economic Well-Being is enhanced. ☑ Yes  ☐ No

Investment in Hamilton is enhanced and supported.
A successful business is strengthened with continued opportunities to accept additional materials.

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

All aspects can be considered enhanced.

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

:SH
Attachs. (3)
Location Map

Planning and Economic Development Department

File Name/Number: CA-05-02
Date: November 24, 2005
Appendix “A” Scale: N.T.S
Planner/Technician: SH/MZ

Subject Property
- 52 Imperial Street, Hamilton

Ward 3
Keymap
N.T.S