SUBJECT: Application for a Certificate of Approval (Waste Disposal / Processing / Transfer Station) Ministry of Environment Reference 4713-72FJAD, 217, 221 and 223 Lottridge Street and 103 Clinton Street (PED08012) (Ward 3)

RECOMMENDATION:

That the Ministry of Environment Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application CA-07-001, by B.I.Z. Mechanical Inc., Applicant, for a Certificate of Approval for a future waste disposal/processing and transfer facility to be located at 217, 221 and 223 Lottridge Street and 103 Clinton Street, Hamilton, as shown on Appendix "A" to Report PED08012, that the City of Hamilton requests the following to be undertaken:

(a) That the Certificate of Approval includes the following requirements:

   (i) That prior to receiving any waste materials, the proponent obtains site plan approval from the City's Planning Division; obtains the necessary demolition permits for existing buildings to be removed and a building permit from the Building Services Division for the new facility; and completes construction of the proposed facility and all required site works; all to the satisfaction of the Director of Planning, Planning Division, City of Hamilton.

   (ii) That the proponent be required to provide financial assurance to cover final cleanup of the site, following the cessation of use.
SUBJECT: Application for a Certificate of Approval (Waste Disposal / Processing / Transfer Station) Ministry of Environment Reference 4713-72FJAD, 217, 221 and 223 Lottridge Street and 103 Clinton Street (Hamilton) (PED8012) (Ward 3) - Page 2 of 11

(iii) That the Certificate of Approval limits the maximum waste capacity to 500 tonnes received daily and limits the maximum daily stored waste capacity to 300 tonnes daily, at any one time, and the daily residual limit for final disposal at 200 tonnes daily.

(iv) That the Certificate of Approval includes strict requirements for on site housekeeping practices to minimize dust generation, including an effective dust mitigation plan. Also, that site activities be controlled for any potential litter, noise and odour issues impacting the surrounding residential uses.

(v) That the waste streams be limited to solid non-hazardous mixed waste from industrial, commercial, institutional and residential construction and demolition waste materials. That no other waste be accepted at this facility. That the incidental waste component accepted at this facility be limited to 2% or less of the waste received at the proposed facility.

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

(vii) That prior to receiving any waste materials at the facility the proponent obtains written approval from the Chief Fire Prevention Officer, Hamilton Fire Services, that the constructed facility is in compliance with Parts 3 and 4 of the Ontario Fire Code. That a Fire Safety Plan shall be prepared in accordance with Section 2.8 of the Fire Code that has been approved by the Chief Fire Official.

(viii) That the proponent be required to create on-site infrastructure including, but not limited to, a containment dyke and pumping system, to contain all fire suppression water, in the event of a fire on-site.

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

(x) That the proponents land area behind residential lots 81, 83, 85, 87 89, 91 and 93 Clinton Street, and to the north of 162 Barnesdale Avenue North, be left in a natural state and be screened by fencing from the proposed facility.

(xi) That all truck access to the site be limited to Lottridge Street from a north direction only.
(xii) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(b) That a copy of Report PED08012 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

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

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant, B.I.Z. Mechanical Inc., has applied to the Ministry of Environment (MOE) for a Certificate of Approval for a waste disposal transfer and processing facility to accept a maximum of 500 tonnes per day of solid non-hazardous waste. The proponent indicates that they will store a maximum of 300 tonnes of materials on site at any time. The applicant aims to recycle 60-70% of waste, with residual waste being disposed of at Walker Brothers in Thorold, and Modern Waste Corporation in New York State.

The 0.5 hectare (1.23 acres) proposed site is a land assembly comprising of the presently occupied auto-parts/repair garage and metal fabricating company at 217 Lottridge Street, as well as two existing residential buildings at 221 and 223 Lottridge Street, and part of the abandoned railway corridor from Lottridge Street to Barnesdale Avenue. The existing buildings will be removed under the current proposal. A 520.26 sq.m. (5,600 sq. ft.) building is proposed on the northeast portion of the site (see Appendix B”). The new building is subject to site plan approval and a building permit from the City. The proponent has submitted a Preliminary Site Plan application PSR-07-158 to assist the City and commenting agencies in evaluating potential impacts this development may have on the abutting residential uses. The preliminary review of the site plan has been completed and has resulted in a number of recommended operational improvements and specific requirements to be included in the MOE Certificate of Approval.
The acceptable wastes for the proposed facility will consist of solid non-hazardous waste from industrial, commercial, and institutional operations. Construction and demolition debris will also be accepted. No hazardous waste, liquid waste or food waste is to be accepted at the facility. This is proposed to reduce probability of odour problems. This report recommends a number of standard conditions.

**BACKGROUND:**

What is a Certificate of Approval

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

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

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

**ANALYSIS/RATIONALE:**

The applicant, B.I.Z. Mechanical Inc., has applied to the Ministry of Environment for a Certificate of Approval for a waste disposal site (waste transfer/processing) in order to receive a maximum of 500 tonnes daily and a maximum allowable waste storage limit of 300 tonnes per day at any one time.

The site is presently occupied by an auto-parts/repair garage and metal fabricating company, as well as two existing residential buildings. It is proposed that these uses will cease and that a new building will be built on the northeast portion of the subject lands (see Appendix “B”). The proposed building for this facility is subject to site plan approval and a building permit from the City of Hamilton.
Proposed Operations

The proposed waste processing building of approximately 520.26 sq.m. (5,600 sq. ft.) will be used as an indoor recycling building, and the unloading of trucks will occur within the proposed facility. This is proposed to mitigate noise and dust problems.

The actual waste transfer station will consist of a tipping floor (200 metric tons), roll-off bins for storage of recycled materials, compactor and baler, residual loading area, non-compliant waste drum, and space for processing including a manual loader, and bobcat. The building is proposed to have a 28-foot high ceiling to accommodate all sizes of waste management vehicles that utilize the site’s recycling and disposal services. This will permit unloading of materials within the building. All recycling operations are confined to indoors. Storage of recycled materials and waste residues is proposed outdoors, as shown on Appendix “B”, in 4 scrap metal roll-off bins and 12 recyclable storage containers. There are also bins, a compactor and a grinder, shown located within the building on Appendix “C”.

Existing Adjacent Residential Development

Appendix “B” of the report indicates a future storage maintenance building and storage area for empty roll-off bins, and additional parking behind existing residential lots located at 81, 83, 85, 87 89, 91 and 93 Clinton Street, and to the north of 162 Barnesdale Avenue North. There have been discussions with the proponent, and he is prepared, at this time, to leave the area behind these residences in a natural state and properly screen this area by placing a fence separating this area from the proposed facility. The details of the fencing will be resolved as part of the required site plan application with the City. A condition is included in the Recommendation Section of the report (see Recommendation (a) (x)).

Proposed Operations

The proponents supporting documentation indicates that mixed waste received at the tipping floor area could be stored up to 72 hours. Ideally, recyclable material will be immediately placed in containers. When the containers are filled, they will be removed from the site to the designated receiver. Materials destined for landfill facilities will be immediately loaded into trailers, and the trailers secured. When the trailer is filled, it will exit the site to an approved waste disposal site. Materials will not be stored external to the containers or the trucks.

The materials for recycling will be sorted into the following type of categories:

(a) Cardboard
(b) Paper products and plastic
(c) Roofing materials
(d) Clean wood and wood products
(e) Ferrous, and non-ferrous scrap, and metal material
(f) Inert materials

The Company proposes to operate the site between the hours of 7:00 AM and 7:00 PM, Monday to Friday, and Saturday 8:00 AM to 3:00 PM. Indoor recycling operations will be 24-hours per day for recycling, baling, compaction and loading operation, utilizing a front-end loader, is planned. The site operations are proposed to be closed on Sundays, except for any maintenance or emergency repairs to equipment.

A required record keeping process, closure plan, financial insurance and contingency plan is required by MOE and proposed by the proponent.

**Incidental Waste**

The proponent’s documentation to the MOE indicates that part of the operation includes the receiving of non-compliant materials mixed in with some of the compliant materials received. The proponent’s consultant, Tony Pingue from A. Pingue Consulting Services, has indicated the following to City staff in an email dated November 27, 2007:

- My client, B.I.Z. Mechanical Inc., is prepared to accept 2% or less of the “incidental green garbage bag” portion of our mixed waste stream we receive at our dry waste recycling facility;

- My client also agrees to have the City advise the Ministry in your comments that “food waste” from restaurants, cafeterias and food processing plants will not be received; only incidental “green garbage bags” that are mixed with our normal waste stream;

- At maximum capacity, this translates to 10 metric tons or less, and we undertake to have daily removal of any organic materials that are incidental to our normal operating conditions; the 10 metric tons is a “worst case scenario only” and should not be interpreted to mean that we will go out and solicit 10 metric tons of organic waste, but only to cover the incidental receipt of any organic material; and,

- The purpose of the 10% or less “organics” in our application was to cover off the potential for “incidental organics” being received. Food waste refers to residuals from restaurants, cafeterias and food processing plants which B.I.Z. Mechanical Inc. does not service and does not plan to service in the future.

A recommendation is included that the incidental waste component accepted at this proposed facility be limited to 2% or less of the total waste received at the proposed facility (see Recommendation (a) (v)).
Truck Movements

The proponent indicates that a range of 50 to 70 waste transport vehicles per day, varying in size, will enter the site. The removal of residual waste will require 6 to 7 tractor trailers per day based on the proposed 300 tonnes residual limit. All truck traffic is proposed to access and exit the site from Lottridge Street through the existing industrial area. A condition is included in the Recommendation Section restricting access to the site from north on Lottridge Street (Recommendation (a) (xi). The City’s Traffic Engineering and Operations Section of Public Work’s comments below indicate what operation requirements are necessary to accommodate this truck traffic.

The proponent proposes to pave the entire yard area once construction has been completed. All unloading of trucks will be performed within the proposed building.

Stored Volume

The proponent indicates that approximately 60% of the total materials received daily will remain on the site. Based on a capacity of 500 tonnes received per day, the facility would require a maximum 300 tonnes per day stored volume. The stored materials will be stored in containers for recyclable materials and truck trailers for waste destined for an approved waste disposal facility.

Security

A site layout plan submitted by the applicant shows fencing along the southeast and northwest portion of the lot.

City Departments including: Hamilton Emergency Services – Fire Prevention Division; Health Protection Branch, Public Health; Waste Management Division, Public Works Department; Water and Wastewater Division, Public Works Department; Traffic & Operations Section, Public Works Department; have all reviewed this proposal and have indicated that they have no objections to the proposal, subject to the proponent satisfying specific conditions.

The Waste Management Division, Public Works Department, indicates that the applicant will accept waste sources from the industrial, commercial, and institutional sector, and residential demolition wastes from renovation projects. All waste is to be non-hazardous and the site will accommodate up to 500 tonnes of solid waste per day. It is also stated that the applicant intends to recycle up to 70% of all waste received and that residual wastes will be disposed of at Walker Brothers in Thorold and Modern Waste Corporation in New York State. The Waste Management Division has no issues with the proposal from a Solid Waste standpoint.
The Compliance and Regulations Division, Water and Wastewater, Public Works Department, indicates that the proposal is acceptable from a sewer standpoint, with the provision that wastewater discharged from this operation complies with Sewer Use By-law 04-150. There are no floor drains proposed in the recycling area and the back lot will be paved and catch basins installed. The proponent will discharge sanitary waste from the proposed office area to the municipal sewers. As part of the storm water management plan for the site, waste materials are being delivered and unloaded indoors, and materials stored outside will be in covered containers minimizing the concern with storm run-off. A condition is recommended requiring that the proponent implements both spills prevention on site and containment measures, and that this be included in the Certificate of Approval. Also, that contingency plans for spills on site and clean up procedures are covered under the Certificate of Approval, and that the City's Spills number (905) 540-5188 is included in the company's on site Contingency Plan. A condition is included in the Recommendation Section for these requirements (see Recommendation (a) (ix)).

The Health Protection Branch, Public Health Services, indicates that they have no objections to the proposal, but require that excellent housekeeping practices be undertaken to minimize dust generation, including an effective dust mitigation plan being incorporated. Also, that site activities should also be controlled for any potential litter, noise and odour issues (see Recommendation (a) (iv)).

The Fire Prevention Division, Hamilton Emergency Services, indicates that they have no objections to the Waste Transfer facility, subject to the facility being in compliance with Part 3 and Part 4 of the Ontario Building Code. A recommended condition of the Certificate of Approval is that prior to receiving any waste materials, that the proponent obtain written approval from the Chief Fire Prevention Officer, Hamilton Fire Services, that the constructed facility is in compliance with Parts 3 and 4 of the Ontario Fire Code. Also, that the proponent shall prepare a Fire Safety Plan in accordance with Section 2.8 of the Fire Code and submit it to the Chief Fire Official for approval and implementation once approved (see Recommendation (a) (vii)).

In particular, Fire Prevention staff have the following requirements: all proposed structures are to be erected on site in accordance with the Ontario Building Code and under building permit from the City; any structure in which combustible materials (such as cardboard, wood, plastics etc.) are sorted and processed (i.e. grinding, shredding, compacting and baling) as described in the MOE Certificate, shall be equipped with automatic sprinkler protection designed and installed in accordance with NFPA 13, “Standard for the Installation of Sprinkler Systems” and under building permit from the City; any storage of combustible materials, whether in piles or “roll-off” containers on the site, shall not exceed 100m² in area, 3m in height, and be located a distance of 3m from property lines and other piles/containers of combustible materials; entry gates to the facility having a clear width of 3.5m shall be provided to permit the entry of fire department vehicles; a private hydrant system shall be extended into the yard area from
the existing municipal system so that all parts of the yard can be reached using not more than 60m of hose; the facility and its buildings shall be equipped with portable fire extinguishers in accordance with Section 6.2 of The Ontario Fire Code, the yard area, if containing combustible storage, shall also be equipped with portable fire extinguishers having a 2A or higher rating and conform to the requirements of 6.2 of the Fire Code. The maximum travel distance to an extinguisher shall not exceed 25m.

The Economic Development and Planning Committee has typically requested the proponent be required to create on-site infrastructure including, but not limited to, a containment dyke and pumping system, to contain all fire suppression water, in the event of a fire on-site for similar type facilities. This is included in the Recommendation Section of the report (see Recommendation (a) (viii)).

Traffic Engineering & Operations, Public Works Department, has requested that the driveway approach be constructed wide enough to allow simultaneous inbound and outbound truck traffic without trucks having to swing wide over the centreline of Lottridge Street. The truck scale location has been revised as shown on Appendix “B”, to provide a greater distance from Lottridge Street than was originally proposed. This will allow for a sufficient stacking area for trucks to prevent queuing on Lottridge Street. Any change in site access to Lottridge Street requires an Access Permit. More details are available to the proponent by contacting the Traffic Engineering office at (905) 546-2424, Ext. 5925. Also, any utility relocation as a result of access changes will be undertaken, at the expense of the applicant/owner. The proponent is already working towards resolving these traffic operational issues through the review of their preliminary site plan application with the City.

Proposed MOE Certificate of Approval

This MOE application for a 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 Recommendation 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:**

**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 MOE Certificate of Approval for a proposed waste transfer 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 temporary storage/processing and transfer of waste material.
RELEVANT 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.

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

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
Reducing waste materials by recycling enhances overall community well-being and makes economic sense.

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

:SH

Attachs. (3)
Location Map

File Name/Number: CA-07-001
Date: Nov 28, 2006

Appendix "A"

Scale: N.T.S.
Planner/Technician: SH/NB

Subject Property

217, 221 & 223 Lotridge Street and
103 Clinton Street

Site of the Application

Ward 3 Key Map
N.T.S.
Appendix "C" to Report PED08012 (Page 1 of 1)

WASTE PROCESSING AND TRANSFER STATION

ROLL-OFF RECYCLED MATERIALS STORAGE

ROLL-OFF BIN ROLL-OFF BIN ROLL-OFF BIN ROLL-OFF BIN ROLL-OFF BIN ROLL-OFF BIN

LOADING

TRUCK UNLOADING

TIPPING FLOOR
200 METRIC TONS
(150 CUBIC METERS)

PROCESSING
MANUAL LOADER
AND BOBCAT

RECYCLED PRODUCT & RESIDUAL LOADING AREA

COMPACTOR & BALE

RESIDUAL LOADING

TRUCK UNLOADING

NON-COMPLIANT
WASTE DRUM (205 LITRES)

FLOOR PLAN
5600 SQ.FT (520 SQ.M)

RESIDUAL REMOVAL

PLAN OF SITE
OF PART OF
LOTS 1 TO 11, BLOCK 9
AND PART OF
12' ALLEY
AND PART OF THE
1.5' WIDE RESERVE
REGISTERED PLAN 220
1448
211 LOT RIDEA STREET,
HAMMONT, ONTARIO
S3A 3N8

BUILDING LAYOUT

EQUIPMENT TRANSFER STATION FOR:
MECHANIC, 300 MILITARY RD.
HAMMONT, ONTARIO
CELL 612-777-7777
OFFICE 612-777-7777
FAX 612-777-7777